OVERTLY
ABOUT POLICE
AND CORRUPTION

Sarajevo, 2006.
Research project “Overtly About Police and Corruption” is implemented with the financial support of the Open Society Fund Bosnia and Herzegovina.

The opinions stated in this report are the expressed opinions of the Association of Criminalists in Bosnia and Herzegovina and should in no way be attributed to the Open Society Fund Bosnia and Herzegovina.
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Overtly About Police and Corruption

Sarajevo, 2006.
Preface to the English version of the book „Otvoreno o policiji i korupciji“

In the course of the last decade, police forces in Bosnia and Herzegovina underwent significant reforms under the auspices of the international community personified by the United Nations International Police Task Forces (UN IPTF, 1995-2002) which were later replaced by the European Union Police Mission (EU PM, 2002- ). In order to evaluate the success of these reforms, taking the police and its fight against corruption as an example, The Association of Criminalists in Bosnia and Herzegovina, with financial support from the Open Society Fund Bosnia and Herzegovina, conducted an extensive research project on police and corruption. The project “Overtly about Police and Corruption” is the first research project that involved police officers from all parts of Bosnia and Herzegovina and evaluated their opinions about police corruption. Contrary to some previous researches on corruption conducted in the country, this research goes beyond mere descriptions of the phenomenon and gives certain explanations as to where and why police corruption is taking place.

The project was conducted in several stages during which the international anti-corruption obligations applicable to/entered into by the country were analysed (UN and Council of Europe legal instruments);¹ national legislation’s compliance with the international legal obligations assessed;² official statistics on corruption screened and evaluated and a survey of police and citizens conducted, which was followed by statistical analysis of the latter.

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¹ The analysis is based on 12 international legal instruments.
² The analysis is based on 80 domestic legal instruments.
As a result, the report is divided into the following chapters:

- **Introduction**
- **Chapter I** – Bosnia and Herzegovina’s international obligations in relation to fighting corruption,
- **Chapter II** - National legislation and fighting corruption,
- **Chapter III** - Results of the analysis of the official statistics on corruption in Bosnia and Herzegovina
- **Chapter IV** - Survey on police and corruption.

Chapters II, III and IV carry particular weight as they illustrate problems that must be addressed by the country and its institutional framework as a matter of urgency. In particular, Chapter II indicated shortcomings of national legislation not only in terms of definitions of corruption related offences but also in terms of the impossibility of applying special investigative techniques to corruption offences, as well as pointing to the lack of proper, specialised anti-corruption police units. Chapter III clearly and undoubtedly showed that Bosnia and Herzegovina does not have unified, systematic and reliable official statistics on corruption.

Although all chapters and the findings presented within them highlight a need for urgent action, we feel that Chapter IV is the most important at this time, during which the country’s police forces are being restructured. Findings presented within Chapter IV are based on solid scientific methodology (univariate, bi-variate and multivariate analysis of the data gathered through the survey) and clearly show which organisational units are, according to police officers’ perceptions, most corrupt; how our police perceives corruption in its own institution; to what extent our police officers posses what kind of (anti-)corruption knowledge and what anti-corruption measures need to be taken as a consequence; police motivation to perform police work; what “reformed” police officers think about corruption and
when it is regarded as acceptable to take a bribe, etc. The results presented in this chapter must be taken into account in the current police reform process.

The original version of the final project report was published in Bosnian/Croatian/Serbian. It spans 221 pages with appendices. Although the findings of the project are of utmost importance for national, regional and local police forces, as well as for the anti-corruption community in the country, we are convinced that these, as well as the methodology used and instruments (questionnaires) that we developed are of interest for a broader audience in Europe and even beyond. Therefore the Association of Criminalists in Bosnia and Herzegovina, together with the Open Society Fund Bosnia and Herzegovina, deemed the translation into English as necessary in order to enable the presentation of the project results to vast majority of academic, police and political circles around the world.

The translation of the report into English was done by the Association of young linguists and interpreters in Bosnia and Herzegovina. They have done an incredible job working under time pressure and making every effort to ensure that the translation is as accurate as possible. We are extremely grateful and indebted to them for the result they produced. Native English readers, will most probably note, a few unusual sentence structures. I would like to remark that this is not due to the translation but to the complexity of sentences that academics in this part of the world tend to use to impress politicians, students or even colleagues. Therefore, all linguistic-, as well as substance related criticism should be addressed to the authors and not to the interpreters.

Almir Maljević
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Authors of the study
„Overtly about police and corruption“

Final report on undertaken activities, analyses and results of the research project “Overtly about police and corruption”, were made by:

- **Almir Maljević**, Mr. Sci., (Introduction, Problems of research into corruption, Description of subject, State legislation, Univariant analysis)
- **Darko Datzer** (Introduction, Problems of research into corruption, State legislation, Inferential analysis)
- **Elmedin Muratbegović**, Mr. Sci., (Bivariant correlation analysis)
- **Muhamed Budimlić**, Mr. Sci., (International obligations)
- **Vladimir Obradović**, PhD, (Methodological approach, Research sample, Metric characteristics of instrumentars, Classification analysis, Explanation analysis)
- **Ramiz Huremagic** , Mr. Sci., (International obligations)
- **Haris Grizović**, Mr. Sci., (State legislation)
- **Selimović Muharem** (Analysis of official statistical data)
- **Buzuk Ivica** (Analysis of official statistical data).

In the implementation of activities on the field, the researchers were:

- **Phase II** – Analysis of the national legislation: Admir Nezirević, Nebojša Marić, Elmin Husanović, Vedad Musić, Kenan Hrnjić, Edina Krnić, Aladin Bajraktarević, Edis Ademović, Admir Katica, Dženis Čatić;
- **Phase III** – Analysis of the official statistical data: Irma Deljkić, Amila Hadžić, Senmir Podgorica, Elis Musić, Medin Buza, Mirza Zukić, Edvin Mašić, Rijad Vrabac, Amir Srkalović, Muharem Veladžić, Emir Sokočević, Amel Kadić.

**Other associates on the project**

And finally, we owe the gratitude to all institutions which have offered us help and cooperation during the implementation of activities of the project „Overtly about police and corruption“. We owe special thanks to the following institutions and their management and official staff, as well as to individuals who have been designated as contact persons in behalf of those institutions:

- State Border Service
- State Investigation and Protection Agency
- Ministry of Internal Affairs of FBiH
- Ministry of Internal Affairs of RS
- Ministry of Internal Affairs of Una-Sana Canton
- Ministry of Internal Affairs of Posavina Canton
- Ministry of Internal Affairs of Tuzla Canton
- Ministry of Internal Affairs of Zenica-Doboj Canton
- Ministry of Internal Affairs of Bosna-Podrinje Canton
- Ministry of Internal Affairs of Central Bosnia Canton
- Ministry of Internal Affairs of Hercegovina-Neretva Canton
- Ministry of Internal Affairs of West-Hercegovina Canton
- Ministry of Internal Affairs of Sarajevo Canton
- Ministry of Internal Affairs of Canton 10 - Livno
- Police of Brčko District of BiH
- Office of the prosecutor, Una-Sana Canton
- Office of the prosecutor, Posavina Canton
- Office of the prosecutor, Tuzla Canton
- Office of the prosecutor, Zenica-Doboj Canton
- Office of the prosecutor, Bosna-Podrinje Canton
- Office of the prosecutor, Central Bosnia Canton
- Office of the prosecutor, Hercegovina-Neretva Canton
- Office of the prosecutor, West-Hercegovina Canton
- Office of the prosecutor, Sarajevo Canton
- Office of the prosecutor, Canton 10 - Livno
- Office of the prosecutor, Brčko District of BiH
- Office of the prosecutor, Republic of Srpska.

In the end, we would like to express our gratitudes to the Open Society Fund Bosnia and Herzegovina for supporting us from the very beginning and for understanding all the problems we faced during this research. We are especially indebted to Mr. Mervan Miraščija for supporting us throughout the project and sharing his project management expertise with us by advising us in all stages of the project.
I. Introduction

Corruption, as a social pathological phenomenon, does not constitute an exclusive feature of certain number of countries or regions and nations. On the contrary, it is a phenomenon which occurs in all continents and in all countries throughout the world. The fact that Bosnia and Herzegovina is not an exemption is proven by the results of researches which were conducted in period 2002 – 2004 by the non-profit, nongovernmental organisation Transparency International Bosnia and Herzegovina, but also by data provided by other international governmental and nongovernmental institutions. Thus, the World Bank (2001: 2) states that the corruption in Bosnia and Herzegovina is characterised by the insufficiency of public administration which is reflected in widespread bribery in public offices; distorted business environment and a significant burden on poor households, exacerbating poverty and inequality.

Also, one of the approximations of the price of corruption in Bosnia and Herzegovina was given by the former First Deputy of the High Representative, according to which BiH looses 1,5 billion KM per year due to corruption practices.3

Corruption is a phenomenon which destroys, not only ethical, but also legal and economic values of a modern society, and also undermines democracy. It is its opposite, since democratic surrounding stands for freedom, equality and rule of law, while corruption means crime, inequality, social exclusion, lack of trust in institutions. Thus, corruption is an obstacle to the healthy and sustainable social and economic progress. Beside that, corruption is very common part of organised crime which, among others, impedes establishing of the rule of law and thus

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3 Statement of the First Deputy High Representative of the International Community, Mr. Donald S. Hays, Oslobodenje, 10 December 2004.
indirectly influences stability and social security in the country in a negative way. The last two stated negative effects of corruption specifically come into the picture when the phenomenon “gets into the pores” of justice and police. The fact that the police, among other institutions, is exposed to this form of social pathology is brought in connection with extremely negative opinion citizens have regarding police, and that has to have an appropriate focus put on it. These are only some of the reasons which stimulated Association of criminalists in BiH to decide to undertake a wider research on police and corruption in Bosnia and Herzegovina.

Association of criminalists in BiH in Bosnia and Herzegovina, of course, does not „propagate“ defeatism, resignation nor does it believe that corruption is functional in any sense. On the contrary, Association of criminalists in BiH points to the fact that corruption is there, it costs a lot both in pecuniary and non-material sense. Regarding all stated effects of corruption, we believe that it is essential to have it researched permanently, in order to get to know it better, and based on those findings, to create better and more comprehensive anti-corruption instruments.

Since special attention in this report is given to the research on police corruption, and to the fight of police against corruption, it is necessary to remind on some of significant scientific researches in this area first.
II. Police corruption as a subject of criminological and other researches

Corruption, as one of the forms of crime, as well as of social pathology, often was a subject of criminological and other researches. Since the midst of fifties of the last century a whole line of mainly sociologically oriented researchers dealt with problems of police officers integrity and deviant behaviour within the police organisation, and some of the most prominent were: Whyte (1955), Skolnick (1966), Gardiner (1970), Chambliss (1971) and Reiss (1971). However, since it is impossible, and discursive, to list them all and to go into details, we will briefly present only some of the most important researches on the phenomenon of police corruption.  

Pioneering contribution in the research of police corruption is considered the work of Barker and Roebuck5 whose typology of corruption is still considered one of the most influential attempts to define types of corruption in the police. Their study is based on three sources – analysis of literature, President`s Commission on Law Enforcement and Administration of Justice Task Force

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Report (1967) and on researches authors performed on the field. Authors abstract eight forms of corruption practices, and the novelty in comparison to previous researches was the fact that corruption, even back then, was not solely observed from the „bad apple” perspective, but also from the point of view where existence of the specific police subculture is recognised.

Beside that research, it is important to mention researches of Goldstein (1975) and Sherman (1978), who have given new perspectives in the field of police corruption research, and especially that of Fishman with her famous integrity scale, modifications of which are still frequently used in researches of corruption practices among police officers. Her researches indicated the presence of corruption, in different proportions, in all police agencies which were subject of the research.

Punch, in mid-eighties, publishes results of the whole series of researches, the special contribution of which was the correction/upgrade of findings of Barker and Roebuck, and dividing of types of police corruption into: avoiding to perform police duties, aberrant behaviour against the police interests, aberrant behaviour in the interest of police organisation and non-formal rewards.

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6 Isolated deviant behaviour if individuals in other ways healthy police environment. This thesis was confirmed in the series of policy and academic researches, as well as the governmental investigations, the most famous of which is the one of the Knapp’s Commission (see Knapp, W. (1972). Report of the Commission to Investigate Alleged Police Corruption. New York: George Braziller).

7 Sherman dealt with studying the importance attributed to the police corruption in media and potential influence of the media on the public perception of the phenomenon of the corruption in the police force.


9 Mischkowitz (2000), p. 34.
In 1987, *Managing Police Corruption: International Perspectives*, written by two Americans, Ward and McCormack,\(^{10}\) was published, and special value of this work lays in the fact that beside empirical results it also gives the review of anti-corruption efforts in certain countries, as well as possible models of behaviour for more efficient fight against corruption. Special methodological and scientific contribution was given by Ward and McCormack in their typology of police corruption, according to which there are four basic types of corruption, depending on the „normality“, i.e. extents and acceptance of this phenomenon in certain parts of the police structure.

Holz has, in 1996\(^{11}\), conducted a survey among 252 officers-attendees of the so-called short course for higher management, a course for the medial management staff of the criminal investigation unit of the German province Baden-Württemberg respectively, on their experiences with and perception of the magnitude and seriousness of police corruption. His findings, although suggesting that „unethical proposals“ – such as bribery attempts, are common in police forces,\(^{12}\) also indicate low sensitivity and poor body of knowledge on corruption issues by the police officials, as well as unprofessional attitude of police authorities regarding this issue. Although the authors themselves indicate that the sample was not representative, findings are especially important to police managers, but to experts and practitioners in Germany as well (and wider, of course), in further efforts in fight against police corruption.

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\(^{12}\) In this research every fifth respondent was at least once offered bribe (Holz, op. cit.: 413).
Research of Mischkowitz and associates in Germany\textsuperscript{13}, commenced in 1996 with a main part conducted in 1997, enclosed examinees (N=770) from the police, border service bodies, justice, as well as the analysis of 38 criminal, i.e. disciplinary cases. The study showed, among other things, that corruption mostly endangers employees of the correctional system and border service employees, while in the police – criminal investigators and uniformed police officers, who on the other side, say that the influence of corruption practices is much stronger in their field of work than in other state bodies. Regarding the manners a bribery is practised in, this research also led to a conclusion that both spontaneous and planned corruption appear equally frequent. Causes for corruption, according to this study, are firstly, „decay of social values“ and „lack of role models in leading and political structures“. This research has shown that corruption is not an ethical weakness of an individual but rather the result of the general societal ambient and dynamics, which clearly discards profane perception of corruption as deviation in the service. This study have had a stressed descriptive and exploratory characteristics, while the fact that it was ordered and conducted with the support of the Bundeskriminalamt (BKA), speaks of the level of seriousness and the social importance attributed to it.

Finally, special contribution in the research of police corruption was given by Carl B. Klockars (who has been involved in this type of research since mid-seventies) and Sanja Kutnjak Ivković, who constitute „the core“ of the series of research efforts in United States and Europe. They, among other things, conducted a survey in 1995, on police officers in Republic of Croatia, which was only a part of cross-cultural study on

\textsuperscript{13} Mischkowitz, R., Bruhn, H., Desch, R., Hübner, G-E., Beese, D. (2000.). 
\textit{Einschätzungen zur Korruption in Polizei, Justiz und Zoll}. Wiesbaden: Bundeskriminalamt.
police integrity. That study has indicated that police officers in Republic of Croatia generally tended to tolerate police corruption\(^\text{14}\). In 2000, Clockars and Kutnjak Ivković, together with Harver and Haberfeld published an article „The Measurement of Police Integrity“, that is based on the equally named report submitted to the American National Institute for Justice. The article shows research results based on the sample of 3235 police officers in 30 police agencies in America. The study primary did not deal with the extent of corruption in individual police agencies – it was aimed to explore the phenomenon of police officers integrity through the use of survey techniques (questionnaires were consisted of 11 hypothetical scenarios, and 7 questions in which the respondents were to evaluate offered hypothetical situations [scenarios]). The basic finding of the study consisted of the fact that police officers are willing to tolerate less severe cases of violation of police officers integrity and ethics (accepting small gifts, food or being granted a discount, etc.): more serious ones (such as keeping accidentally found money) they are not. The authors themselves state\(^\text{15}\) that they used so-called organisational/ambient approach to the corruption in the police, as opposed to the outdated individual treatment of this phenomenon. In spite of methodological


weaknesses,\textsuperscript{16} this study has extreme value, mainly since it indicates that “an agency’s culture of integrity, as defined by clearly understood and implemented policies and rules, may be more important in shaping the ethics of police officers than hiring the `right` people“ (Klockars, Kutnjak Ivkovich, Haberfeld, 2005: 1).

In 2000\textsuperscript{17}, Adrian Beck and Ruth Lee conducted a survey amongst 1125 police cadets and postgraduate (serving officer) students. In this research, Beck and Lee tried to determine which factors influence opinions of respondents regarding police, with the special attention given to the institutional factors, circumstances and conditions which induce tolerance of corruption, and to reasons for accepting so-called small gifts, as well as to punishment for acts of corruption.

\textsuperscript{16} For more, see Klockars, C., Kutnjak Ivkovich, S., Haberfeld, M. R. (2005.). Enhancing Police Integrity. \textit{National Institute of Justice Research for Practice, dec. 05.}

\textsuperscript{17} Beck, A., Lee, R. (2001.). \textit{Understanding corruption in the Russian police.} COLPI.
III. Police and corruption as a subject of research in Bosnia and Herzegovina

Development of media detection trend in Bosnia and Herzegovina, which is a necessary anti-corruption instrument, has caused for several studies on different aspects of corruptive behaviour to appear during the past several years. Although those are mostly speculative, popularistic contributions that can hardly resist even the most basic scientific methodological tests, they beyond doubt deserve attention, since they indicate that the corruption is socially unacceptable and harmful phenomenon which, among other things, creates mistrust in public services, endangers establishing of the rule of law and contributes to social and legal insecurity of citizens.

However, special attention and value goes to the national (BiH) chapter of the Transparency International, which as a leading organisation of civil society in fight against corruption, persistently, firmly and systematically works on the increasing of the transparency of the work of public services and awareness of the society in general, as well as on the research on the phenomenon of corruption. Along with other anti-corruption tendencies, Transparency International BiH has, since its establishing in 2001, conducted yet two studies on perception of corruption, in 2002 and in 2004. The first, initial one (conducted on 1200 respondents), was intentionally conducted in the election year so the attention was drawn to the problem of corruption in Bosnia and Herzegovina, and it represented the first source of data on perception of corruption of the domestic public, and, as such, it was extremely exploited by the media and numerous governmental and nongovernmental institutions, including scientific. The second study (conducted on 1640 responders) had, among other things, the goal to collect new data and to compare new results with the results from the first
study. Since one of the goals of the mentioned studies was the estimation of the extent of corruption in certain institutions in Bosnia and Herzegovina, the research enclosed also the institutions of the criminal justice system, primarily the police and justice. The study from the year 2004 showed that among 24 institutions and public bodies, police is the third most corrupted institution in the country; that 55% of citizens believes that corruption affects almost all police officers or at least a majority; and that 14.5% of citizens was in situation where a police officer asked for a bribe.

The other research project in the field of police corruption research in Bosnia and Herzegovina worth mentioning is the one conducted by Sanja Kutnjak-Ivković and Tara O’Connor Shelley in 2003. Like previous researches Kutnjak-Ivković participated in (see supra, p. 9), this one relied on testing of borderlines of police integrity as well. Although the title of the article suggests that the research was done throughout the territory of Bosnia and Herzegovina, authors mention that the research included only respondents (N=500) employed in four police administrations in the city of Sarajevo. Using the same methodology as in previous researches performed, Kutnjak-Ivković and O’Connor have found that members of police in Sarajevo recognise several types of corruptive behaviour based on the severity, thus the severity and form of reaction of police, as of government institution, should respond to the severity of the detected corruptive behaviour. Special contribution of this research is in the fact that it warns that all efforts of the international community regarding reform in police during the past decade could be in vain unless attention is paid to necessity of establishing the higher level of integrity of police officers.

IV. Information sources on police corruption

To explore and to measure corruption is a specific methodological challenge. To explore the police corruption, as exactly the state agency that is supposed to fight all sorts of crime, is specific challenge not only from the axiological, philosophical and politological theoretical point of view, but from empirical, sociological and criminological as well. Traditional sources of information in criminological researches definitely are official statistics by which we mean data provided by relevant authorities (police, departments of public prosecution, courts), i.e. institutions of the criminal justice system, but also information provided by government office for statistics. In accordance with the flow of the criminal procedure, the most important data that could indicate the extent and dynamics of corruption in Bosnia and Herzegovina would primarily be those relating to the number of reported criminal offences, number of charges and number of valid verdicts. This provides a simplified picture of corruption as of criminological phenomenon and an impression on the efficiency of the criminal justice system, as of the body of internal control. However, it is generally known that official statistics lacks of accuracy,\(^{21}\) and corruption, as a „phénomène multidisciplinaire“, generic term used to describe the series of illegal behaviour characterised by high level of secrecy, is depicted by high dark number.\(^{22}\) Thus,


\(^{22}\) Bannenberg argues (based on the research in Germany) that official data refer only to 5 % of actually committed acts of corruption See more Bannenberg, 2004.
mentioned statistical data in cases of corruption should be carefully taken in consideration.

Second, widely used, source of information in the research of corruption in social sciences and especially criminology, are surveys (both victimisation and self-report studies) by which are traditionally meant interviewing and distribution of questionnaires among selected groups of respondents. In this way it is possible to get valuable data which are out of reach for official statistics, such as (and that may be the essence of survey) attitudes, opinions, and views in relation to certain phenomena. Of course, this source of information has weaknesses of its own. Data collected in such way are based on perceptions, recollections, opinions and beliefs which, of course, are not necessarily the true reflection of reality nor its objective indicator. Often risk associated with those researches lays in the fact that respondents intentionally give untrue answers.23 However, it is still an extremely valuable source of information that are priceless and irreplaceable in researches on social phenomena. An instrument very frequently used in survey researches are scales, used to “quantify” certain quality, where such data can be used in quantitative, statistical analyses.24

Qualitative method of data collecting on corruptive practices is formed by observations (disguised or participant) and


23 Many authors point out the problem of validity in research on corruption. See Kutnjak Ivković, 2003.

24 Thus, in the field of police corruption research special place belongs to McCormack-Fishman Improbity Scale (MFI), consisted of eight items and five possible scenarios (personal; superior’s behaviour projection; and, colleagues’ behaviour), where respondent expresses agreeing/disagreeing with offered items.
experiment, which are not always the most acceptable ones from the ethical point of view.\textsuperscript{25}

V. Research project “Overtly about police and corruption”

A. The Problem

We have already mentioned that the research performed by the Transparency International BiH also put light on the problem of corruption in the police. As a reminder, we should mention that the results showed that 55% of BiH citizens believe that almost all, or at least majority of police force members are corrupted. Also, the same research showed that, of 24 given institutions, 7.5% BiH citizens believes that the police is the most corrupted institution in BiH. Maybe that would not have been an alarming finding if the police was not one of the most important links in the chain of governmental organisations responsible for the fight against crime, and thus, fight against corruption. In fact, it is known that multidisciplinary anti-corruption strategy,\(^{26}\) in order to be successful, has to consist three important components. Firstly, there must be law that makes the fight against corruption possible, in a way of defining which types of activity are considered as corruptive, but also to define bodies, or institutions, responsible for the fight against corruption. Secondly, it is necessary to undertake preventive activities which aim at the removal of causes, i.e. stimulants which induce a corruptive behaviour. Finally, maybe the most important thing is to continuously educate all participants in the fight against corruption, on the nature of corruption, and on the most efficient methods to tackle it. This applies to all participants in the fight against corruption, including police.

Since a lot has been done regarding fight against police corruption in Bosnia and Herzegovina, there is a need to find out whether those undertaken activities have given expected results or is it still necessary to improve police structures in order to make them even more efficient in fight against the phenomenon of corruption.

Association of criminalists in BiH is, as professionally membership association, directly interested in making the image of police structures significantly better in the eyes of BiH citizens, and to show that police corruption is not on the level shown by previous researches in the area of corruption, i.e. to show that police structures in BiH are making significant efforts, both in staff and in organisation area, to fight the phenomenon of corruption as efficiently as possible.

In order to understand the results provided by reforms in staffing and organisational area conducted in BiH police whose principal goal was to eliminate corruption, it is necessary to provide answers to several questions. The questions regarding this, and which are in context of our research, are:

- Has BiH fulfilled its obligations imposed to it from ratified international instruments, and which are related to police reforms and fight against corruption;
- Do the current internal organisation and relevance of police forces in BiH enable efficient fight of police against corruption in society in general, as well as against corruption in its own lines;
- Do the police forces in BiH use some preventive programs in fighting corruption, and what are those programs;
- Is the appropriate attention paid to the level and quality of professional qualification of police force members fighting this extremely complex phenomenon?
B. The Goal

Taking into account all previously mentioned, there are several goals of research we intend to reach. First of all, we would like:

- To contribute to previous efforts made by national police structures of all levels, as well as efforts and activities of international community regarding the fight of police against corruption;
- To contribute to establishing of cooperation between governmental sector (MIAs), civil sector (Association of criminalists in BiH) and international organisations (primarily EUPM);
- To make the first database holding, in one place, key legal regulations (acts and subordinate laws, as well as international instruments) regulating work of the police and fight against corruption in Bosnia and Herzegovina;
- For the first time, to make thorough analysis of international legal instruments ratified by Bosnia and Herzegovina, related to the fight against corruption, and to determine which obligations derived from those international legal instruments relate to the organisation and activity of police forces in BiH;
- To determine whether, and to what extent, implemented obligations, regarding activity and organisation of police in the light of fight against corruption, and which resulted for Bosnia and Herzegovina from ratified international legal instruments, are primarily obligations derived from conventions enacted on the level of UN and Council of Europe;
- To determine in what extent and in what way police forces in BiH use positive national legislation in fight against
corruption in its own lines, but also in fight against corruption in BiH in general;

- To determine whether police forces in BiH pay appropriate attention to preventive activities in the fight against corruption and what those activities are;

- To explore whether the attention is paid to selection of personnel in police forces for fight against corruption, regarding necessary level and type of education, and is the supplemental education on corruption and fighting methods applied for police force members;

- To perform an analysis of official statistical indicators on the extent and dynamics of corruption offences in Bosnia and Herzegovina during the period 2000-2004 in order to determine actual participation of police structure members in corruptive behaviours, thus eliminating stereotypes on police being the most corrupted institution in BiH;

- Publication of research results that will indicate all positive activities of police in fight against corruption but also show possible measures which are necessary to be taken in order to, in the domain of police forces, implement obligations resulting from international legal instruments, as well as measures that should be taken so the work of police in the fight against corruption would be more efficient.
C. Activities and methodology for research execution

In order to accomplish set goals, it is necessary to undertake several activities. Activities will be performed by four teams:

- Team 1 – Analysis of international obligations;
- Team 2 – Analysis of national legislation;
- Team 3 – Analysis of official statistical data;
- Team 4 – Collecting the data in the field (surveys of police officers and citizens) and data input.

All foreseen activities should be performed in six phases.

Phase I (duration 1 month, 2 researchers)
- Collecting international legal instruments ratified by BiH in order to fight corruption efficiently;
- Analysis of international legal instruments ratified by BiH in order to fight corruption more efficiently and extract those provisions related to police forces in BiH.
- Report on results of performed analysis.

Phase II (duration 2 months, Team Coordinator and 13 researchers)
- Collecting national acts and subordinate normative laws used to regulate organisation and jurisdiction of police forces regarding fight against corruption;
- Analysis of national acts and subordinate normative laws used to regulate organisation and jurisdiction of police forces regarding fight against corruption, with the basic goal to determine; which behaviours are legally defined as corruptive criminal offences; coordination of national legislation with international legal instruments for fight against corruption (based on reports from Phase I); which organisational units are responsible for fight against
corruption; existence of special procedures and authorisations for fight against corruption, regulated methods of cooperation between MIAs etc.

- Report on results of the performed analysis.

**Phase III (duration 4 months, Team Coordinator and 13 researchers)**

- Analysis of official statistical data on corruptive criminal offences committed during the period 2000-2004 in order to determine how many cases of corruption has been processed in BiH, and especially in order to select those cases of corruption which included members of police forces;
- Team Coordinator for official statistical data makes a report on performed analyses and determined results and submits it to the project coordinator;
- In Phase III, during one-month period, two questionnaires will be created and in Phase IV they will be distributed among citizens and police force employees.

**Phase IV (duration 3 months, Team Coordinator and 5 researchers)**

- Collecting data-surveying citizens and police force employees;
- Input of data in created databases;
- Report on performed activities, submission of questionnaires and databases.

**Phase V (duration 1 month, 4 researchers under the management of methodologist)**

- Implementation of primary univariant analysis;
- Implementation of adequate bivariant analyses;
- Implementation of multi-variant analyses;
- Interpretations of results.
Phase VI (duration 1 month, Project Coordinator)

- Creation of the final report consisting:
  - Review of international legal instruments that are binding for BiH in regard of fight against corruption with a special attention put on provisions of those instruments which apply to police forces;
  - Summary of national legislation for successful fight of police against corruption and the level of coordination between that legislation and international legal instruments;
  - Short review of organisational characteristics of police forces in BiH and evaluation of its adequacy in terms of successful fight against corruption
  - Results from analysis of official statistical data;
  - Results from surveys of police officers and citizens;
  - Recommendations for improving fight of police against corruption in BiH.
Part I
Bosnia and Herzegovina’s international obligations in relation to police fight against corruption
I. Overview of international agreements and conventions on police fight against corruption

A. Organisation of United Nations - OUN

On April 5th 1992, by the act of recognition of independence by the General Assembly of United Nations, Bosnia and Herzegovina became the full member of the largest international political organisation. Status of the full member means that, among other things, the state has an obligation of ratifying and adopting documents enacted by the largest world organisation as well as their implementation in national legislation.

The most important documents of Organisation of United Nations dealing with the area of corruption and the role of police structures in fight against this phenomenon are: UN Convention against Transnational Organised Crime dated November 15th 2000,\(^{27}\) supplemented by the Protocol against the Smuggling of Migrants by Land, Sea and Air, enacted on November 15\(^{th}\) 2000.\(^{28}\) Beside those mentioned, the actual document of this organisation is UN Convention against Corruption,\(^{29}\) which is to be ratified in Bosnia and Herzegovina.

We should mention that UN Convention against Transnational Organised Crime enacted on November 15th 2000 has two additional protocols – the Protocol to Prevent, Suppress and

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\(^{27}\) Adopted by UN General Assembly on 15\(^{th}\) November, 2000. BiH ratified it, "Official gazette BiH", international treaties, No. 3/02.

\(^{28}\) Adopted by UN General Assembly on 15\(^{th}\) November, 2000. BiH ratified it, "Official gazette BiH", international treaties, No. 3/02.

Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. Mentioned document are also ratified by Bosnia and Herzegovina but since they do not contain provisions regarding any form of fight against corruption, i.e. the role of police in such fight, that will not be elaborated in this report.

B. Council of Europe - CoE

Bosnia and Herzegovina was fully accepted in the membership of Council of Europe on April 24th, 2002, since when there is an obligation of accepting all agreements and conventions enacted within the largest European political organisation.

The most important documents of Council of Europe in the field of fight against corruption are Criminal Law Convention on Corruption (ETS No. 173), Additional Protocol to Criminal Law Convention on Corruption (ETS No. 191), Civil Law Convention on Corruption (ETS No. 174).

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31 Additional protocol to Criminal law convention (ETS No. 191) from January 2003, that was enacted on 15. May 2003, widens the Convention in certain issues, but most of all regarding criminalisation of corruption that includes arbiters in domestic and international disputes, as judge jurors. Bosnia and Herzegovina has not ratified it yet.

Beside these conventions, it is important to mention Agreement Establishing the Group of States against Corruption - GRECO33, which has an important role in common efforts of member states of Council of Europe in fight against corruption.

C. South-eastern Europe

Southeastern European countries have developed cooperation regarding issues of the fight against corruption through signing and implementation of bilateral or multilateral agreements. The most important regional agreement binding to Bosnia and Herzegovina is Agreement on cooperation in preventing and fighting trans-border crime and a Charter on Establishing Southeast European Cooperative Initiative Centre (SECI centre) for fight against trans-border crime, enacted on May 26th 1999 («SECI agreement»).34

Bosnia and Herzegovina signed following bilateral agreements: Agreement between Council of Ministers of Bosnia and Herzegovina and Government of Republic of Croatia on cooperation in fight against terrorism, smuggling and abuse of drugs, and against organised crime;35 Agreement on cooperation in fight against international terrorism, illegal trafficking of narcotics and psychotropic substances and organised crime between Council of

33 "Group of States against Corruption-GRECO" Agreement adopted by Committee of Ministers, Council of Europe ad Resolution (99) 5, 01. May 1999. Bosnia and Herzegovina conducted ratification, and Agreement was published in «Official Gazzette of Bosnia and Herzegovina » - International agreements, issue no 17/00-365.
34 Signed in Bucharest on 26. May 1999. Bosnia and Herzegovina conducted ratification, and Agreement was published in «Official Gazzette of Bosnia and Herzegovina » - International Agreements, issue no 19/00-432
35 Agreement signed in Sarajevo on 17. June 2002, and ratified in 2003 when was published in "Official Gazette of Bosnia and Herzegovina " issue no 05/03.
Ministers of Bosnia and Herzegovina and Government of Republic of Turkey dated June 21\textsuperscript{st} 2000;\textsuperscript{36} and Agreement between Government of Republic of Bosnia and Herzegovina and Government of Hungarian Republic on matters regarding fight against terrorism, trafficking of narcotics and organised crime dated April 21\textsuperscript{st} 1996.\textsuperscript{37} These agreements do not contain regulations explicitly related to any form of fight or cooperation in fight against corruption, i.e. role of police in that fight, but that does not mean that these agreements cannot be considered as a basis for cooperation and common actions of law enforcement agencies in fight against corruption and corruptive criminal offences. In fact, since corruptive behaviours are closely related to activities of organised crime,\textsuperscript{38} in such light possibility of applying those regulations of the Agreement on fight against corruption should be observed.

D. European Union

Beside all mentioned organisations, an important role in creating policy against corruption on international level goes to documents of European Union, which are not binding to Bosnia and Herzegovina, at least not until the receipt of full membership in this European organisation. Key documents of European union in fight against corruption that should be considered are: Convention on the Protection of the European Communities’ Financial Interests,\textsuperscript{39} the First Protocol supplementing Convention on the Protection of European Communities’ Financial Interests,\textsuperscript{39} the First Protocol supplementing Convention on the Protection of


\textsuperscript{38} See, Derenčinović, 2001: 71-85.


II. BiH obligations in relation to criminalisation of corruption

Attempts to define corruption at international level can clearly be seen in several international organisations. Most important international organisations that gave significant contribution in relation to this issue are Council of Europe, Organisation for Economic Co-operation and Development, United Nations, Organisation of the United States of America,\(^44\) European Union, and International Commercial Chamber.\(^45\) In literature\(^46\) however, most importance is given to efforts that in the Council of Europe resulted in adoption of Criminal Law and some time later of Civil Law\(^47\) Convention against Corruption, and Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (hereinafter referred to as: OECD Convention).\(^48\) Considering that Bosnia and Herzegovina is a member of United Nations and Council of Europe, it is necessary for purpose of the project in the rest of this paper to analyse the instruments which Bosnia and Herzegovina had ratified, and which were also adopted within


\(^{46}\) More about defining of corruption within different international organisations, in Maljevic, A., Provisions of European and other international agreements on organized crime with special reference to the issues of guilt and punishability, unpublished Master Thesis, Mostar University, 2005, pg. 74 and onwards.


these international organisations. Still, due to its wider informative and scientific importance, the specific provisions of conventions of the European Union and Organisation for Economic Co-operation and Development will be mentioned.


Criminal offence of corruption has been prescribed by the United Nations Convention against Transnational Organized Crime from 15 November 2000 (Palermo Convention).\textsuperscript{49} According to this Convention, the criminal offence of (international) corruption exists when the basic form of offence is transnational in nature and involves an organized criminal group.\textsuperscript{50}

The offence is transnational in nature only if:

- It is committed in more than one State;
- It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- It is committed in one State but has substantial effects in another State.

The offence has been committed by an \textit{organized criminal group} if it is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in

\textsuperscript{49} Article 8 of Palermo Convention.
\textsuperscript{50} Article 3, item (b) of Palermo Convention.
accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Palermo Convention requires “criminalisation of corruption”. According to the provision of this article, criminalisation of active and passive corruption is required, and also ommissive and commissive form of its performance. The Convention requires incrimination of the act of direct or indirect offering or giving of an undue advantage to a public official, as well as of direct or indirect solicitation or acceptance of such advantage, for refraining from acting in the exercise of his or her official duties. Existence of a “public official” is essential, either as an active or as a passive entity of action, whereby it is recommended that the term “public official”, in addition to the domestic public official, should also imply a foreign public official or international civil servant. In addition to that, criminalisation of criminal offence participation in the act of corruption is recommended, as one of the measures to be taken by member states in their legislative systems.

Besides the above-mentioned elements of corruption of objective character, the existence of intention is necessary, as an essential element of a criminal offence of subjective character. Therefore, the committers shall be subject to prosecution, only in case when the offence was committed with specifically

51 Criminal offences established by this convention are participation in an organized criminal group, laundering of proceeds of crime, corruption and other serious crimes. "Serious crime" means conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty (Article 2 item (b) Palermo Convention). As the provisions of Palermo Conventions are applied mutatis mutandis also to provisions of protocols annexed to this convention, then the acts defined by Palermo Convention also imply illegal trafficking in fire-arms, trafficking in persons and smuggling of migrants.

52 Article 8 of Palermo Convention

53 Article 8, paragraph 4 of Palermo Convention.

54 Article 8, paragraph 2 of Palermo Convention.
pronounced intention. Palermo Convention also recommends prescribing of provisions about criminal liability of legal persons55 for participation in some of the crimes addressed in this Convention. This can be criminal, civil or administrative liability, about which each member state will make a decision.

When we talk about sanctions for all criminal offences prescribed by Palermo Convention, which also include corruption, it is required of the member states during signing of sanctions, and of courts during punishing of committers, to especially pay attention to the gravity of committed offences.56 In addition to sanctions, for those who committed serous crimes mentioned in this Convention, it is recommended to enforce measures of confiscation and seizure57 of all income derived from proceeds of crime that have been defined in Palermo Convention. Besides basic provisions on conditions and methods of implementation of confiscation and seizure measures, the Convention also prescribed manners of international cooperation regarding confiscation58 and management of the confiscated income from the proceeds of crime or property.59

B. Corruption in the Council of Europe Criminal Law Convention on Corruption

Criminal Law Convention on Corruption (hereinafter: Convention) has broad field of application and it covers several forms of corruptive activity. Given there is no unique definition of corruption, this Convention did not even try to give such definition. It is true that Convention is based on a draft and

55 Article 10 of Palermo Convention.
56 Article 11 of Palermo Convention.
57 Article 12 of Palermo Convention
58 Article 13 of Palermo Convention.
59 Article 14 of Palermo Convention.
initial definition of corruption according to which corruption is bribery or any other behaviour of persons with certain responsibility in public or private sector, which represents violation of their duty resulting from their position of public official, employed in private sector, independent agent, or the like, in a manner aimed at obtaining of certain benefit for himself or herself or another person. The Convention is trying, in the first place, to develop unique standards related to certain criminal offences of corruption. In relation to that, the Convention contains provisions related to both material and criminal procedural law, in the part related to improvement of international cooperation in processing of criminal offences of corruption. The reason for this approach is mostly the fact that there are certain difficulties in international cooperation related to processing of criminal offences of corruption, especially when cases involving corruption of foreign public official are in question. Questions have been raised here regarding the very defining of corruption of foreign public official, which is mostly just because it is hard to define “public official” according to the domestic legislature, and because of procedures and ways to realize international cooperation, which are often limited due to procedural and political limitations. It is therefore the task of the Convention to harmonize defining of corruption among the State Parties to this Convention and to improve mechanisms of direct international cooperation between competent authorities of State Parties.

Acts of corruption, which should be adopted by national authorities basedon this Convention, are the following:

- Active bribery of domestic public officials,\(^{60}\)
- Passive bribery of domestic public officials,\(^{61}\)

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\(^{60}\) Article 2 of Convention.

\(^{61}\) Article 3 of Convention. As in the case of active bribery, in order to be liable, the committer must act with intention.
- Bribery of members of domestic public assemblies,62
- Bribery of foreign public officials,63
- Bribery of members of foreign public assemblies,64
- Active bribery in the private sector,65
- Passive bribery in the private sector,66
- Bribery of officials in international organisations,67
- Bribery of members of international parliamentary assemblies68,
- Bribery of judges and officials of international courts,69
- Trading in influence,70

62 Article 4 of Convention. This is related to all public assemblies at all levels of authority within one state, and it represents active or passive bribery of members of public assembly.

63 Article 5 of Convention. The provision of this article foresees instituting of criminal proceeding for any foreign public official from any foreign state.

64 Article 6 of Convention. For defining of the term “member of public assembly”, the provisions of the law of the state to whose public assembly the person in question belongs are applied.

65 Article 7 of Convention. Provisions of article 2 of Convention are applied, according to the principle mutatis mutandis, to this article as well. Provisions of this article are not related to non-profit sector such as different associations or non-governmental organisations, but to business activities.

66 Article 8 of Convention.

67 Article 9 of Convention. For description of this criminal offence, refer to provisions of articles 2 and 3 of the Convention. However, it is necessary to define term “official in international organisation”. This term implies any official or any other contracted employee, with the meaning of the staff regulations, of an organisation, any international or supranational organisation or body, of which the State Party to the Convention is a member, whether seconded or not, carrying out functions corresponding to those performed by official of such organisation or body.

68 Article 10 of Convention.

69 Article 11 of Convention. Provisions of this article are related to judges of international courts such as ICTY or European Court for Human rights, but also to prosecutors or other court staff or public prosecutor’s office.

70 Trading in influence.
- Money laundering of proceeds from corruption offences,71
- Account offences,72
- Participatory acts in corruptive criminal offence.73

When talking about undue advantage, it is clear that this advantage can be intended for public official himself, who should act or refrain from acting in the exercise of his duties, but also for some other person.74 While Convention uses term undue advantage, as well as Palermo Convention, OECD Convention defines this term as undue pecuniary or other advantage,75 and EU Convention as any advantage.76 It can be concluded from the above that the EU Convention is the strictest, and that according to the provisions of this Convention any advantage is corruption, regardless of its real value, while according to other instruments77, certain gifts, exceptionally small in value, could be considered allowed.

70 Article 12 of Convention. The provision of this article is related to persons exercising certain duty and those who can exert an improper influence to benefit certain circles or political parties close to this person.
71 Article 13 of Convention. It foresees incrimination of laundering of resources derived from proceeds of criminal offences (criminal corruptive behaviours) referred to in articles 2-12 of Convention.
72 Article 14 of Convention. Account offences can be classified into two groups: offences for purposes of preparing another criminal offence of corruption, and offences that can be used in concealing of other criminal offences of corruption. These offences can only be committed intentionally.
73 Article 15. Any participation or helping in committing of any criminal offence of corruption is, also, a criminal offence, and as such, it is subject to adequate criminal law sanction.
74 Palermo Convention goes one step further and it defines that undue advantage can be given to any official or another person or entity (Palermo Convention, Article 8.1.a).
75 OECD Convention, article 1.
76 EU Convention, article 3.
Regarding the nature of undue advantage, it is most often the financial advantage. However, this does not exclude some nonmaterial advantage. It is only important that committer, or some other person,\textsuperscript{78} is in an advantaged position after the offence has been committed, and that he gained something he did not deserve. This advantage can be money, going to some tourist destination, approval of a loan, getting of food and/or drinks, faster processing of some application/request, better possibility of getting promotion in his/her office etc.\textsuperscript{79}

Convention also addresses the issue of immunity. In terms of that, a position has been adopted that the immunity provisions, either domestic or international, are applicable in relation to criminal offences of corruption. This leads to the conclusion that abolition of immunity, in accordance with a procedure intended for that, is necessary for instituting of criminal proceedings.

Regarding the principle of application of Convention provisions, the following principles are applied: the territory principle, the citizenship principle, the principle of protection of national interests, "aut dedere aut iudicare" principle, universality principle, also referred to as possibility to institute criminal proceedings regardless of the place where criminal offence has been committed and citizenship of the offender. The last principle is still not applied in practice, since it implies that the state must give up the territory and citizenship principles.

The Convention adopts general principle of liability of legal persons for the criminal offences committed, although it does not define certain type and level of liability of legal persons.\textsuperscript{80} In other words, Convention does not impose establishment of

\textsuperscript{78} Because the advantage can be related to someone else, and not only to the public official.

\textsuperscript{79} Explanatory Report on Criminal Law Convention on Corruption, comment no. 37.

\textsuperscript{80} Article 18 of Convention.
criminal liability of legal persons for the above-mentioned criminal offences of corruption.

Having regard to the sanctions and measures for the above-mentioned criminal offences of corruption, Convention does not prescribe specifically defined sanctions, just as it does not impose obligation that listed offences must be sanctioned by criminal law sanctions, since there is a possibility to sanction them by civil law sanctions. However, Convention does emphasize that sanctions must be effective, proportionate, and dissuasive.\textsuperscript{81}

C. Corruption in the Council of Europe Civil Law Convention on Corruption

Civil Law Convention on Corruption represents the first attempt to harmonize unique principles and regulation at international level in the fields of civil law and corruption, but it is also important in terms of other issues that it addresses. It defines corruption and regulates issues of compensation for the damage caused, liabilities, contributory negligence, limitation periods, validities of contracts, protection of employees who report criminal offences of corruption, business accounts and audits, acquisition of evidence, interim measures, international cooperation and monitoring of convention implementation.

Definition included in Civil Law Convention on Corruption is significantly different from the civil law definition of corruption in many countries. According to this definition:

“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

\textsuperscript{81} Article 19 of Convention.
duty or behaviour required of the recipient of the bribe” (Article 2 of Convention).

The purpose of such definition is not to exclude any issue when implementation of Convention is in question, and that is the reason why such definition is not legally binding for the State Parties, although they are free in their judgement to accept it.
III. Bosnia and Herzegovina’s obligations in relation to organisation and functioning of police with regard to fight against corruption

A. Obligations related to defining the criminal investigation activities

Measures recommended by Palermo Convention, that are related, directly or indirectly, to obligations of police authorities are the following: offering of mutual legal assistance;\textsuperscript{82} conduct of joint investigations;\textsuperscript{83} practicing of special investigative techniques;\textsuperscript{84} establishment of criminal record;\textsuperscript{85} protection of witnesses;\textsuperscript{86} measures to enhance cooperation with law enforcement authorities;\textsuperscript{87} law enforcement cooperation;\textsuperscript{88} collection, exchange and analysis of information on the nature of organised crime;\textsuperscript{89} training and technical assistance.\textsuperscript{90}

Obligation to legally define and enable use of special investigative techniques during investigation of criminal offences defined by Palermo Convention, which undoubtedly include corruption, is of special importance. Among special investigative techniques, Palermo Convention as an example states defining of controlled delivery, but also other techniques such as electronic and other forms of surveillance, or use of

\textsuperscript{82} Article 18 of Palermo Convention.
\textsuperscript{83} Article 19 of Palermo Convention.
\textsuperscript{84} Article 20 of Palermo Convention.
\textsuperscript{85} Article 22 of Palermo Convention.
\textsuperscript{86} Article 24 of Palermo Convention.
\textsuperscript{87} Article 26 of Palermo Convention.
\textsuperscript{88} Article 27 of Palermo Convention.
\textsuperscript{89} Article 28 of Palermo Convention.
\textsuperscript{90} Article 29 of Palermo Convention.
undercover investigators. This means that Bosnia and Herzegovina, by ratification of Palermo Convention, assumed an obligation to enable application of these techniques through its laws, but also application of other, special investigative activities and techniques in criminal offences of corruption.

Measures recommended for judicial authorities are related to finding of solutions to issues of jurisdiction, extradition, transfer of sentenced persons, transfer of criminal proceedings, protection of witnesses, assistance to and protection of victims. In addition to measures recommended for the authorities in charge of instituting criminal proceedings and administration of justice, the convention also prescribes other measures considered useful in fight against corruption. These measures should promote the integrity of public officials, in other words they should enable them to act in a way that would dissuade all of those who had an intention to involve them in corruptive behaviour. Palermo Convention also recommends measures that should be implemented through economic development and technical assistance, and other preventive measures purely administrative in character.

Agreement on Establishing the Group of States against Corruption- GRECO, was adopted by the Committee of Ministers of the Council of Europe as a Resolution (99) 5, has an exclusive task to establish procedural provisions related to co-

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91 Article 15 of Palermo Convention.
92 Article 16 of Palermo Convention.
93 Article 17 of Palermo Convention.
94 Article 21 of Palermo Convention.
95 Article 24 of Palermo Convention.
96 Article 25 of Palermo Convention.
97 Article 9 of Palermo Convention.
98 Article 30 of Palermo Convention.
99 Article 31 of Palermo Convention.
operation of State Parties in fight against corruption.100 This resolution refers to several provisions adopted by different international bodies, related to fight against corruption, which are listed in preamble to this resolution.

Other more important provisions of this agreement prescribe issues of the seat of this group, procedures for membership, participation of the European Community, composition of the GRECO, operation of the GRECO, establishment of the group’s bureau, reporting, the GRECO’s financial resources, issues related to establishment and operation of other bodies of this group, procedure for proposing and adoption of amendments to the agreement, and in the end withdrawal of members from work in the group.

B. Obligations related to establishing of special organizational units for the fight against corruption

When discussing the work and role of the police in terms of provisions of Council of Europe Criminal Law Convention on Corruption (ETS No. 173), it is necessary to emphasize provisions on specialised authorities for fight against corruption. Namely, Convention prescribes that each State Party shall ensure

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100 Article 1., Resolution (99) 5, aim of the GRECO: “The aim of the Group of States against Corruption (hereinafter referred to as the "GRECO") is to improve the capacity of its members to fight corruption by following up, through a dynamic process of mutual evaluation and peer pressure, compliance with their undertakings in this field.”

Article 2., Functions of the GRECO: “In order to achieve the aim laid down in Article 1, the GRECO shall: i. monitor the observance of the Guiding Principles for the Fight against Corruption as adopted by the Committee of Ministers of the Council of Europe on 6 November 1997; ii. monitor the implementation of international legal instruments to be adopted in pursuance of the Programme of Action against Corruption, in conformity with the provisions contained in such instruments”
that persons or entities are specialised in the fight against corruption.\textsuperscript{101} At the same time, Convention does not prescribe that these bodies must be at all law enforcement levels, or that all employees in these authorities must have specialised knowledge for the fight against corruption. In any case, the number of entities and persons involved in the fight against corruption must correspond to the needs and extent of corruption in each individual state. These individuals and entities must be adequately trained, have specialized knowledge in different fields (law, finances, economics, accounting, technical sciences and the like), and must be adequately equipped in terms of resources. Also, the State Parties shall ensure that the above-mentioned individuals and entities have a high level of independence and autonomy, with the status that will render impossible the influence on them, and that they have resources and equipment for efficient conduct of investigations and proceedings, with existence of mechanisms, methods and means to protect the integrity of those who assist them in their work and to protect the confidentiality of activities being implemented.

Convention does not specifically define the manner in which the entities for the fight against corruption should be established, whereby two options are possible. The first one, to establish specialised authorities that will closely cooperate with other authorities, such as, for example, the police, and the second option, to establish units within the existing authorities (police and the like) for the fight against corruption.

\textsuperscript{101} Article 20 of Convention.
C. Obligations related to defining the cooperation of police and other public entities (including scientific institutions)

States of the Southeast Europe, feeling that their sovereignty is being threatened, as well as their trade legitimacy, together with the registration of damage within economic, fiscal and trade interests, signed and accepted the Agreement on Cooperation to Prevent and Combat Trans-border Crime with a Charter of Organisation and Operation of Regional Centre of Southeast European Cooperation Initiative SECI- (SECI Centre)- for fight against trans-border crime. The aim of this agreement was to improve joint fight against trans-border crime. This fight represents all measures intended for prevention, detection, investigation, prosecution and repression of all attempts defined as trans-border crime in accordance with this agreement. These unlawful behaviours imply all executed or attempted offences, the purpose of which was to organize, direct, assist or facilitate the international criminal activities.

In addition to the above, the agreement recommends, besides intensive mutual cooperation, close cooperation with Interpol (ICPO), World Customs Organisation (WCO), and General Secretariat of Interpol. Measures prescribed by this agreement, represent measures of special assistance between the Parties in combating of trans-border crime, which are related to exchange of all useful information, mutual assistance in implementation of national laws and regulations, planning and execution of joint actions and implementation of specialised methods of controlled deliveries. The agreement also prescribes procedural provisions on cooperation of executive authorities of the countries of Southeast Europe.

With this agreement, the Parties also accepted the Charter of Organisation and Operation of Regional Centre of Southeast European Cooperation Initiative SECI- (SECI Centre)- for fight against trans-border crime. Within the SECI Centre, operation of the Joint Cooperation Committee has been foreseen, which will
be based in Bucharest, the aims of which are to ensure proper functioning of this Agreement; to examine all issues arising from its implementation, to undertake cooperation measures; to exchange views on points of common interest, and to recommend solutions aimed at attaining its objectives.

What should be mentioned here is the Contract between the Council of Ministers of Bosnia and Herzegovina and Government of the Republic of Croatia on Cooperation in the Fight against Terrorism, Trafficking and Misuse of Drugs, and against Organized Crime, as an important instrument available for police structures in their fight, not only against corruption, but also other most serious forms of crime with the element of being foreign. This Contract includes provision related to cases when cooperation between police authorities of its Parties is possible, as well as procedures and forms of realisation of this cooperation.\(^\text{102}\) It is especially necessary to emphasize provisions from article 4 of this Contract, which foresee the possibility of immediate communication and cooperation, and forms and aspects of this cooperation. According to this article, states shall, during their cooperation, for purpose of detecting and suppressing organized crime, exchange data about participants in organized crime, existing connections between member of criminal groups or criminal organisations, about criminal groups and organisations and their establishment, about typical committers and behaviour of criminal group and criminal organisation, and about facts, especially about time, place and form of committed offence, about attacked structures, about special circumstances and violated laws and regulations and measures undertaken, and if necessary for suppression of criminal activities, on the request, enforce such police measures which will be in accordance with the laws of the Party that is implementing them, during investigations of criminal offences,

\(^{102}\) Articles 2, 3 and 4 of the Agreement.
cooperate by harmonized police provisions with staff, material and organisational support, taking into consideration the existing laws on delivery and criminal law regulations of Parties; exchange data and information about new methods and forms used in international crime; with purpose of further improvement; exchange results achieved in criminalistic, criminological and other investigations, report to each other about methods used in practice during investigations of criminal offences, and about most effective methods; on the request, exchange information and give for inspection samples of objects arising from criminal activities or which have been used for committing of criminal offences or for misuse; for purpose of better preparation for the fight against organized crime, exchange experts for purpose of their professional training, and mutual familiarisation with methods and resources used in the fight against criminal activities and for introduction to modern techniques used in crime investigation; and if needed, organise work meetings for preparation of coordination and realisation of their further activities.

In addition, the especially important obligation defined for the States Parties to Palermo Convention, is related to collection, exchange and analysis of information in the scope and dynamics of criminal offences defined in this Convention. In explanation of the article 28 of Palermo Convention, it is stated that States should conduct an analysis of organized crimes trends, which with no doubt also implies trends of corruption as well as of professional criminal groups and the technologies that they use, in cooperation with scientific and academic community. States should also develop and implement common definitions, standads, and methodologies of monitoring of the above-mentioned phenomena, and supervise its measures and policies in fight against organized crime, as well as assess their efficiency and effectiveness.
Part II
National legislation and police fight against corruption
I. Definition of the term corruption in the criminal legislation in BiH

Although corruption is not only a legal, but also a moral, political, cultural, etc. phenomenon, this issue will in this part be treated as criminal i.e. as one for which criminal law, as „extrema ratio societatis“ (Pavišić, Veić, 1999: 1), prescribes penalties. The Criminal Law of Bosnia and Herzegovina came into force on March 1st 2003; on July 1st and August 1st, after the harmonization process with the Criminal Law of Bosnia and Herzegovina, the criminal laws of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District of Bosnia and Herzegovina also came into force. The so-called divided competence between BiH and the entities/BD BiH is present also in the area of corruption-related offences. The criterion applied in the division of competence depends on the person committing that offence (in case it was committed by an official employed in entity or Brčko District institutions, appropriate entity or Brčko District authorities are competent; if, on the other hand, the offence was committed by an official employed in the BiH institutions, such an offence falls under the competence of BIH judicial authorities), or, mutatis mutandis, if a particular offence is directed towards the legal and regular performing of official duty in BiH, entity or BD BiH institutions. In this report, the focus will mainly be on state-level regulations, since this issue of corruption is, for the most part, identically treated both in state

103 Criminal Law of Bosnia and Herzegovina (hereinafter referred to as CL BiH), Official Gazette of BiH, no. 3/03; Criminal Law of Brčko District of Bosnia and Herzegovina (hereinafter referred to as CL BD BiH), Official Gazette of BD BiH, no. 10/03; Criminal Law of the Federation of Bosnia and Herzegovina (hereinafter referred to as CL F BiH), Official Gazette of F BiH, no. 36/03; Criminal Law of Republika Srpska (hereinafter referred to as CL RS), Official Gazette of RS, no. 49/03.
and entity/BD BiH regulations. All differences, if any, will be pointed out and elaborated.

Corruption-related offences are traditionally treated as offences against official (and other responsible) duties, and often identified with them. But that is not correct: the specific character of corruption-related offences is reflected by the fact that the substrate of corruption, bribing, is clearly expressed in the description of that corruption-related offence (Derenčinović, 2001). In other offences committed by officials, it is understood that the perpetrator is a public official (and that it is not another person influencing the regular performance of official duties, which is basically the essence of corruption). The focus will, therefore, be on offences in the description of which corruption (mainly in the form of bribing) is expressed: active and passive bribery, trading in influence and, although not necessarily an offence which includes corruption, it is an offence belonging to this group and implies acting with the purpose of obtaining an illegal benefit (and, as such, usually a certain influence on illegal performing of the official duty, thus generating the material substrate of corruption), abuse of office (the so-called „classic” corruption-related offences).

A. Passive bribery^{104}

In criminal law theory, it is believed that legal interest protected by this norm is not the protection of the official duty but the prevention of obtaining illegal property (Lazarević, 1998). However, the fact that acceptance or asking for a bribe is done with the purpose of influencing legal and regular performing of an official duty, and that, by acting according to

^{104} Article 217 CL BiH; Article 380 CL F BiH; Article 351 CL RS; Article 374 CL BD BiH.
one's personal instead of interests of the service, one is breaching the trust the people have in their government, speaks in favour of grouping this offence together with other offences committed against official and other responsible duty, is after all correct and justified.

There are three types of this offence: receiving of gifts or other types of advantage (bribe) or accepting the promise thereof in order to perform an illegal official action (proper passive bribing); if bribe is accepted to perform a legal official action, that will be treated as the other type or the so-called improper passive bribing; and, accepting bribe after performing an official action (subsequent bribing).

Proper passive bribing includes requesting or receiving gifts of other types of advantage, and accepting a promise of providing gifts or some other types of benefits. In this context, by “requesting” we mean any activity (e.g. statement, although not exclusively only this activity) which implies that a gift or any other type of benefit is expected as a reciprocal favour for performing an illegal activity (committed by an official). A gift or a benefit can be accepted in several ways – taking it, agreeing to accept a gift, etc. (Petrović, Jovašević, [b] 2005). A gift can be requested or accepted through an intermediary - he/she will still be considered liable for bribing. Once this offence has been committed, it becomes irrelevant who the person showing the initiative was – the person offering a bribe or the one accepting it. By asking for or accepting gifts or other types of benefits, or promising them, the corruption offence is committed. In case another offence (e.g. making a falsified official document) is committed as a result of illegal behaviour of an public official (accepting a bribe), there will be a real heterogeneous juncture of that offence and the offence related to acceptance of gifts or other types of benefits.
In terms of committing this particular offence, the other form of accepting a bribe or other type of benefit (improper passive bribing) is treated in the same way as the proper passive bribing, only differing in the fact that the action being the subject of a corruption-related deal is legal (official action which would have been completed anyway or an unperformed official action which should not be performed at all).

Even if bribe is taken or requested after an official action is performed, the official person is not exempted from liability: the fact that in this way, although post festum, legal and independent performing of official duties is again affected implies criminal liability (subsequent bribing) of the perpetrators. It is irrelevant whether the performed or unperformed action for which bribe is demanded or given is legal or illegal - the action is considered completed after gifts or other types of benefits are requested or received.

As regards the guilt, direct intent (dolus directus) is requested.

According to the law, the accepted gifts or other types of benefits will be a subject to seizure.\(^\text{105}\)

\(^{105}\) In regard to the legal description of the offence in the Article 217 of CL BiH, Article 351 of CL RS, which treats this offence, offence of passive bribery is placed first in Chapter XIX of CL BiH, and somewhat later in CL RS. In the offence description, foreign official person as a potential perpetrator is not mentioned in CL RS, but that possibility is included in the Article 147 of CL RS, which defines an official person, this meaning that the description is the same. There is a slight difference in penalties (harsher punishments in CL BiH for the Paragraph 1 and 3, but less severe for actions set out in Paragraph 2). Regulations in CL F BiH and CL BD BiH are identical to those set out in the state law.
B. Active bribery\textsuperscript{106}

Grouping this offence with corruption-related offences can be justified by saying that it is „the expression of legislator’s effort to ensure a fair and uncorrupted administration not only by incriminating actions trying to corrupt it from inside, but also by incriminating all prohibited attempts to influence it coming from outside.“ (Derenčinović, 2001: 253).

There are three types of offences related to the active bribery: proper active bribing; improper active bribing; and bribing through intermediary (subsequent active bribing is possible, but not punishable).

Proper active bribing means giving (providing) an official person a gift or other types of benefits, but also promise thereof, to act or to refrain from acting in the exercise of his or her legal official duty. According to the preceding text, the fact that somebody promises a public official gifts or other types of benefits as a reciprocal favour for something which he, by acting contrary to the interest of his service, is supposed to do or not do, implies criminal liability of the perpetrators, regardless of whether the action being the subject of bribing (or at least the attempt of bribing) has been performed or not. The act of promising to provide a gift can be made directly or through an intermediary (or even several intermediaries), this applying to gift provision too. Although not explicitly set out in CL BiH, gifts or other types of benefits can be promised not only to an official or responsible person, but „also to someone else related to that person i.e. spouse, child, friend etc.“ (Derenčinović, 2001: 264).

Improper active bribing resembles the previous type of offences related to providing gifts or other types of benefits, the

\textsuperscript{106} Article 218 CL BiH; Article 381 CL F BiH; Article 352 CL RS; and Article 375 CL BD BiH.
main difference between the two being the influence exerted
upon the person receiving the bribe (the bribed person) to,
within its competence, perform a official action which he should
perform or not to perform a official action he should not perform
(in other words, to perform a legal action, or not to perform an
illegal action).

Bribing through intermediary means the carrying out any
activity which contributes to providing gifts or other types of
benefits to an official or responsible person or making a promise
of its provision (Petrović, Jovašević, [b] 2005). This can be
achieved by, for example, carrying messages from the briber to
the person taking the bribe and vice versa.

As regards the guilt, direct intent (dolus directus) is needed.

According to CL BiH, the accepted gift or property will be
subject to seizure, and in case of offences mentioned in
Paragraph 3 a facultative basis for returning the bribe to the
person who provided it is foreseen. 107

C. Trading in influence108

This offence consists of receiving a reward or other type of a
benefit in exchange for using the official and responsible position
he is in to perform or not perform an official action (Petrović,
Jovašević, [b] 2005), and the legislator differentiates between

107 As it is the case with passive bribing, active bribing is also regulated in a
different way in CL RS (this is not true for CL F BiH and CL BD BiH
regulations), with respect to systematisation and name of the offence, the
potential perpetrator as well as the expected punishment. In CL BiH, the
punishment for improper active bribing includes a fine too, unlike in CL RS.
Other regulations are identical.

108 Article 219 CL BiH; Article 382 CL F BiH; Article 353 CL RS; Article 376 CL
BD BiH.
three distinct types of this offence: trading in influence in order to perform a legal (allowed) official action; trading in influence in order to perform an illegal official action; and, trading in influence in order to perform an illegal official actions and acceptance of a reward or other type of benefit.

The first type of offence is committed when a person accepts a reward or other type of benefit in order to use his official or influential position in the institutions of Bosnia and Herzegovina to exert an improper influence over the decision makers.\footnote{Although not specifically stated in the law, from the relation between this type and the type mentioned in the Paragraph 2, we can conclude that in the first type of illegal intervention offence it is about trading in influence in order to perform a legal official action.}

To exert an improper influence over the decision makers means to influence an official or other responsible person with respect to the activities that person is responsible for. The manner in which influence is carried out bears no importance: whether by inducing, in written or oral form, promising a gift, reward or other type of benefit, or any other favourable conditions for the person encourage to take the bribe, etc. Similarly to other corruption-related offences, it is not important who showed the initiative for improper intervention first. It is also irrelevant on whose behalf the reward was accepted (for himself or someone else).

The other type of offence includes trading in influence with the purpose of performing illegal activities (to perform an official action which should not have been performed or not to perform an official action which should have been performed). The offence is considered to have been carried out even in there was attempt of influencing an official person to perform or not to perform an action: if, however, an award or other type of benefit has been accepted, that would qualify the offence as being the third type of trading in influence.
The third type of trading in influence includes exertion of an improver influence with the purpose of influencing the illegal performing of official duty and accepting a reward or other type of benefit for that intervention. Here it is irrelevant when the benefit was received (before or after the influence), the only thing that is important is that the intervention really occurred.

The perpetrator can be any person using its official or influential position in BiH institutions to perform a legal or illegal official action.

As regards the guilt, direct intent (dolus directus) is needed.\\footnote{The way offence of trading in influence is regulated in CL RS is also slightly different. Namely, in Paragraph 3 Article 353 of CL RS, there is a special, more serious type of offence in case the offence mentioned in the Paragraph 2 is committed in relation with the bringing against or conducting a criminal procedure (such a qualification is not present in CL BiH). Except for that, Paragraph 5 of CL RS foresees the punitive measure of deprivation of the reward and property gained by committing this offence, that regulation not existing in CL BiH. The regulations in the state criminal law are identical to those in CL F BiH and CL BD BiH.}

D. Abuse of office\\footnote{Article 220 CL BiH; Article 383 CL F BiH; Article 347 CL RS; and Article 377 CL BD BiH.}

The basic type of this offence is committed when an official or responsible person, by abusing its official position or authority, exceeding its authority or not performing its official duty, obtains a benefit to himself or someone else, causes someone a damage or seriously violates the rights of another person (Tomić, 2003.).

If an official person, with the intention of obtaining a benefit to himself or someone else, or causing damage to someone,
performs an activity within its competence, not in the interest of its service, but with the abovementioned illegal intentions, that would be a case of abuse (the first type of offence) of position or authority.

Exceeding one's authority or position is committed when an official person performs official actions by which he exceeds his authority or competence, having the same intention as in the previously mentioned type of this offence. An official person carries out official actions which, in their essence, are not illegal and someone is authorised for performing them, but not the official person performing them (Pavišić, Veić, 1999: 550).

Not performing an official duty is committed when an official person fails to perform an official action within its competence, which he was obliged to perform or when that action is performed in the way which cannot result in the expected goal – it follows that this offence can committed by both performing and not performing an action (Lazarević, 1998). This is an intentional and deliberate failing to perform official actions within one's competence and which need to be carried out.

An offence is considered completed when, by abusing authority or position, a person obtained an unlawful benefit, (property or some other type of benefit), which can be obtained by accepting certain material goods (money and other valuable items), but also by offering free services, writing off a debt, etc. The caused damage can be material and immaterial. Benefit, as the main characteristic of this offence, can be obtained also in cases where it was obtained for the company, institution or agency in which the official person is employed.

The perpetrator can only be an official person employed in the institutions of Bosnia and Herzegovina (delictum proprium). As regards the guilt, direct intent (dolus directus) is needed.
Offences are considered to be more serious if, by committing an offence mentioned in the Paragraph 1 of this article, property worth more than 10 000 KM (Paragraph 2), or 50 000 KM (Paragraph 3) has been obtained. As it is the case with all offences considered by the legislator as serious, and for more serious cases of abuse of position or authority, in terms of severity of consequences, at least negligence is needed.112

112 In terms of majority of corruption related offences, regulations set out in CL BiH and CL RS are not the same. The Abuse of position and authority is not an exception either. Thus, in the Article 347, which regulates the abuse of position and authority in CL RS, there are different paragraphs for the so-called abuse of position and authority with gain as a motive and the abuse without that motive (Vijeće Evrope: Evropska komisija [knjiga 2], 2005: 1760) (depending on whether this offence is aimed at obtaining immaterial benefit or causing damage to someone else, or the offence is aimed at obtaining material benefit). For the abuse that does not have gain as a motive a milder punishment is expected, while for more serious cases of offences the punishment set out in CL RS is less severe than in CL BiH; in CL RS there is, however, a qualification of abuse with gain as a motive which is committed if considerable damage was caused by this offence or if there was a serious infringement of other person’s rights. Obtaining benefit, causing damage to other persons or infringing other person’s rights, on the other hand, is the condition for incrimination according to the Article 220 of CL BiH. Otherwise, this would be qualified as an attempt which is punishable. Regulations in CL BD BiH and CL F BiH are identical to state ones. Apart from that, in Chapter XXVII of CL RS, which defines offences against official duties, two other offences are mentioned: Article 358 Forcing out Statements, and Article 359 Violation of Human Dignity through Abuse of Office or Official Authority, which are in other criminal laws grouped with offences against freedoms and rights of the citizens.
II. Special investigative actions according to criminal legislation in BiH and fight against corruption

A. Notion, principles and implementation conditions of special investigative actions

Criminal Law is, as stated previously, extrema ratio societatis in fighting criminal activities. The aim of criminal procedures (as a procedure defined by the laws on criminal proceedings) is to establish if the offence was committed, who it was committed by, is the perpetrator guilty or not and if legal sanctions are applicable to the perpetrator.

Investigation is the first phase of a ordinary criminal procedure. Procedure used for achieving the aim of the investigation is called investigative procedure, or evidence procedure. Evidence procedures are regulated by criminal procedure laws. This fact determines their importance in the central phase of the procedure – the court bases its decision upon

113 This is a reference to criminal law in a wider sense i.e. a whole consisting of criminal substantive, criminal process law and the right of punishment execution or other punitive measures (Krapac, 1996.). Comp. Petrović, Jovašević, 2005.
114 This definition is used since the reform of criminal justice system of BiH (2003), in: the Criminal Procedure Law of Bosnia and Herzegovina (Official Gazette of BiH, no. 3/03) (hereinafter referred to as LCP BiH), Criminal Procedure Law of Brčko District of Bosnia and Herzegovina (Official Gazette of BD BiH, no. 7/00) (hereinafter referred to as LCP BD BiH), Criminal Procedure Law of Republika Srpska (Official Gazette of RS, no. 50/03) (hereinafter referred to as LCP RS). In the Criminal Procedure Law of the Federation of Bosnia and Herzegovina (Official Gazette of F BiH, no. 36/03) (hereinafter referred to as LCP F BiH) the term evidence procedure is being used.
them. As the aim of an investigation is to collect evidence and data necessary for deciding on whether someone should be indicted or the procedure should be suspended, the correct and timely carrying out of these actions is essential to the subsequent phases of the procedure. On the basis of investigation results, the procedure against a person is either suspended or that person is indicted (an action which marks the beginning of the second, final phase of a criminal investigative procedure). The process of investigation includes (sometimes called „classical“ investigative actions): search of dwellings or other premises and persons; seizure of objects and property; procedure of dealing with suspicious objects; questioning of the suspect; examination of witnesses; crime scene investigation and reconstruction of events; expert evaluation.

Due to the modernisation of judicial system, and the approaching to European and world standards and recent developments, but also due to the determination to fight modern crime forms, e.g. organised crime and corruption, new criminal law institutes have been set up during the reform of the Criminal Law and the Law on Criminal Procedure.\textsuperscript{115} In this sense, investigative procedures are also new, which reflects the existence of a broader and more complete criminal procedure instruments in the fight against modern threats, quite often grouping corruption with these. The major reason for introducing special investigative actions in the judicial system is the desire for improving the efficiency of bodies conducting criminal procedures, which were not able, by using traditional investigative procedures, to adequately fight against modern forms of crime. Basically, these procedures are temporary restrictions of basic human rights and freedoms (so far inviolable

\textsuperscript{115} On all levels of territorial and administrative organisation of BiH
constitutional categories)\textsuperscript{116} in the process of collecting data and evidence indispensable for conducting criminal proceedings, if there is a reasonable doubt that a person (alone or with other persons), participated in committing certain serious offences. Special investigative procedures, as a \textit{specificum} of the instruments (actions and measures) at the disposal of the investigators, are characterised by legality (legal catalogue of investigative procedures, i.e. specific regulations on investigative procedures to be applied in certain cases, and the legal catalogue of offences in case of which special investigative procedures can be used, and legally limited duration),\textsuperscript{117} subsidiarity (special investigative procedures can be used only in case evidence cannot be obtained by using ordinary investigative actions, or, as set out in the law, „if evidence cannot be obtained in any other way, or if in the process of obtaining evidence great difficulties would be encountered“), proportionality (special investigative actions can be used in case of more serious offences and their duration must be proportionate to the duration of the difficulties which make obtaining evidence in some other way impossible) and the judicial supervision of their implementation (this is reflected by the requirement that special investigative procedures be used only on the basis of a court decision, at the request of the prosecutor, as well as by the fact that the

\textsuperscript{116} The serious conflict between the principles of efficiency of the repressive apparatus of the state and the fundamental values of civilised society can be settled gradually in three phases: limiting the scope of fundamental rights (not abolishing them); defining major internal regulations of a fundamental right; and, determining the priorities with respect to fundamental rights in case of overlapping between these values or with other legitimate social interests. For more see Damaška, 1997.

\textsuperscript{117} This is basically procedural and legal reflection of the principles of lawfulness in substantive criminal law. In substantive criminal law we have the principle of \textit{nullum crimen sine lege}, and, similarly, in procedural law we have \textit{nullus actus sine lege} (Krapac, 1997.).
preliminary proceedings judge verifies that everything has been carried out in accordance with the order).\textsuperscript{118}

According to legal regulations (identical in all laws regarding this matter), special investigative procedures can be used against a person for which exists a doubt that he or she, alone or with other people, participated or still is participating in committing an offence (which appropriate legal regulations consider to be possible),\textsuperscript{119} if evidence cannot be obtained in any other way, or if, in the process of obtaining evidence, great difficulties would be encountered. Subsidiarity in the use of special investigative procedures results from the abovementioned cases. It has already been stated that special investigative procedures „encroach“ onto inviolable constitutional, but also internationally recognised and protected categories (right to privacy, respecting family life, apartments and correspondence, etc.). Illegality, which would otherwise characterise actions carried out by police or other officials in case of encroaching on the abovementioned categories, is allowed by this regulation.

The prosecutor must, in a properly reasoned motion for the use of special investigative procedure, concisely express the doubt that a particular person committed an offence which

\textsuperscript{118} According to Pavišić (2003), the principles on which the structure and use of special investigative procedures and activities are based are: necessity; decision of the court; the existence of certain potential connection with the offence; legal catalogue of offences for which procedures can be defined; legal definition of procedures which can be used; determinateness of the person or offence which are the objects of these procedures: temporal limitations of their use. If we compare these principles to those described in the text, we shall realise that this, somewhat more precise approach to elaborating the principles of special investigative procedure use, in fact corresponds to the one mentioned in the text. For example, temporal limitation of special investigative procedure use is included in legality and judicial supervision principles.

\textsuperscript{119} This is defined in different ways in laws on criminal procedure in BiH. See comment to Article 117 of LCP BiH.
requires the use of these procedures. In this way potential abuse is avoided.\textsuperscript{120}

The prosecutor, on the basis of reasonable doubt, puts forward a properly reasoned motion to the judge responsible for that criminal procedure, in which he, in a strictly defined form, highlights the necessity and „justifies“ the use of special investigative procedures. However, although it has the same formulation, the use of special investigative procedures requires a higher level of preceding activities than it is the case with initial procedures police officials use after they are informed of a committed offence. That doubt, therefore, must be reasonable enough to allow the conclusion that that person is involved in committing some of the offences for which the legislator foresees the use of special investigative procedures. Just like the „classic“ procedures for proving that an offence has been committed, in special investigative procedures the investigation (in the sense of the existence of an order for on conducting the investigation) does not have to be officially launched.

Article 117 of LCP BiH defines the offences in case of which abovementioned special investigative procedures can be used. These offences are:

a) Criminal offences against the integrity of Bosnia and Herzegovina;

b) Criminal offences against humanity and values protected by international law;

c) Terrorism related criminal offences;

\textsuperscript{120} The only exception to this rule is in the case of special investigative procedure of supervised transport and delivery of the object of the offence, in which case it is possible to conduct these procedures even if the person they should be conducted against is not individualised (naturally, the other conditions for the use of special investigative procedures need to be fulfilled) (Sijerčić-Čolić et al., 2005).
d) Criminal offenses for which, pursuant to the law, a prison sentence of minimum of three (3) years or more may be pronounced.¹²¹

The legislator adopts a combined approach to defining offences for which there is a possibility of the use of special investigative procedures. In items a), b) and c), the group-based model of determining the offences in case of which special investigative procedures can be used is applied (for each offence from the abovementioned group of offences special investigative procedures can be defined), whereas in case of offences mentioned in item d), legislator consults the catalogue of incriminations for the offences in case of which of these procedures can be used, the legislator opts for a general stipulation by establishing, as the criterion, the possibility of giving a three-year prison sentence or even more severe sentence. The fact that these are serious offences (the group of offences directed against fundamental values of BiH [item a]), against universal values, often referred to as international offences [item b]), terrorism (generic label for a number of illegal activities which, almost regularly, include politically motivated use of violence, directed against democracy, political, economic and social order of a state [item c]), and „conventional” offences with a special legal minimum of three-year sentence, indicates the proportionality in the use of these procedures and activities (item d). Since their use encroaches on fundamental human rights and

¹²¹ LCP F BiH and LCP BD BiH, as substantive and legal basis for defining special investigative procedures, foresee only the condition set out in item d) of LCP BiH (and corresponding regulations in Paragraph 1 Article 227 of LCP RS). As the special minimum i.e. the possibility of giving a three-year prison sentence or even more, besides the abovementioned difference as to the groups of offences, is not regulated in the same way in the abovementioned codifications, not even this condition is a unified basis for the use of special investigative procedures. In other words, the possibility of the use of special investigative procedures and measures is not even in this sense identically regulated in all laws on the territory of BiH.
freedoms i.e. the most important constitutional and generally human categories, their application is limited exclusively to previously mentioned serious offences.

Special investigative procedures can be used only if the prosecutor has submitted a properly reasoned motion and an order (written or oral) issued by preliminary proceedings judge has been obtained. The order defining the use of these procedures must be in the written form and must contain data on the person these actions are used against, the basis for the doubt that this person, alone or together with other people, participated or still is participating in committing an offence listed in the incrimination catalogue set out in the Article 117 of LCP BiH, reasons for their use, indicating the procedure for the use of which an order is requested, the manner in which they will be used, and the scope and duration of these procedures. Only in case a written order cannot be obtained on time and there is a possibility of postponement, a special investigation procedure can be applied on the basis of an oral order issued by the judge in charge of the proceeding. With respect to time, the use of special investigative procedures is limited to one or six months. What is especially important for corruption-related offences is the fact the request for simulated bribe provision can be made only on one-time basis, and the request for all subsequent procedures must include the reasons for their application.

Special investigative procedures are carried out by police officials, whereas the companies engaged in information transfer are obliged to allow the prosecutor and police authorities to implement measures for surveillance and technical recording of telecommunications.
B. Types and contents of special investigative actions

Items a)- g) Paragraph 2 Article 116 LCP BiH\textsuperscript{122} defines which special investigative procedures can be used. Those actions are:

- surveillance and technical recording of telecommunications (item a);
- access to computer systems and computer-based data comparison (item b);
- surveillance and technical recording of premises (item c);
- secret surveillance and technical recording of persons and objects (item d);
- undercover investigators and informants (item e);
- simulated purchase of items and simulated bribery (item f);
- supervised transport and delivery of the objects of criminal offence (item g).\textsuperscript{123}

Investigation procedure mentioned in item a), surveillance and technical recording of telecommunications means a secret surveillance (often called Interception)\textsuperscript{124} of messages, and/or technical recording of the latter. In the majority of cases (although not always) phone calls will be recorded but this procedure can be applied to all technical means for information exchange including, in modern communication and data transfer practice extremely significant, electronic mail. Activities

\textsuperscript{122} That is, in the Article 116 LCP of BD BiH, Article 130 of LCP F BiH and Article 226 of LCP RS.
\textsuperscript{123} Only in LCP RS informer is not mentioned as a special investigative procedure.
\textsuperscript{124} Although message interception means only the control during communication, control in a wider sense (for example, e-mail control), includes inspection of content of the message even after the communication has been ended.
colloquially referred to as „eavesdropping“, applied by state security agencies, should not be identified with special investigative procedures used during and for the purposes of criminal proceedings. Supervision and technical recording of telecommunications as an undercover investigation procedure can be also used against a person in case there is a reasonable doubt that this person is passing on information related to the offence to the perpetrator or from him.

Access to computer systems and computer-based data comparison is a special investigation procedure used for obtaining data or evidence important for conducting the criminal proceeding, by „comparing personal citizen data processed in appropriate databases containing data and registers present in police archives“ (Sijerčić-Čolić, 2005: 352).

Surveillance and technical recording of premises is aimed at collecting data on communications in given premises, regardless of the way they are realised in (writing, sound, etc.). Optical and acoustic recording of given premises also belong to this category (Sijerčić-Čolić, 2005: 356), as well as the activities taking place in supervised premises, e.g. giving and accepting bribe. If we bear in mind the difficulties in proving corruption-related activities, this represents a valuable measure for improving effects achieved by the investigation and proving procedures.

Secret surveillance and technical recording of persons and objects is „a special type of criminalistic observation“ (Pavišić, 2003: 261). *Ratio* of the use of this procedure is collecting data on movement of persons being followed, their contacts with other people (which could lead to other persons involved in committing the offence which was the reason for this investigation procedure being used), and their recording to obtain evidence for this proceeding, as well as collecting data on handling certain items.
Undercover investigator is a police officer who operates secretly or undercover and, by assuming another identity, tries to join the criminal milieu and inform the police on all criminal activities important for successfully conducting a criminal investigation. The use of this investigation type seems to be justified, not so much by the possibility of this official testifying in the criminal proceeding central phase, but mainly in criminal investigation and heuristic sense (basis and directives for performing criminal investigation i.e. out-of-procedure activities). As the role of agent provocateur is a complex, serious endeavour which requires high quality preparation and is often hazardous for the official operating as undercover agent, it recommended that this role is assumed only by experienced and specially trained police officers.

Simulated purchase is an investigation procedure especially suitable for detecting offences related to illegal trade, drug trafficking, etc. It consists of buying items which are in any way related to the offence. For offences characterised by a high level of secrecy, like corruption, which is further characterised by a special treaty and deal between the perpetrators (it is in the interest of the briber and the bribed that no one learns about the corruption-related activities), simulated bribery is an extremely important and valuable element for the investigation. The role of the „briber“, i.e. the police officer giving the bribe, (by the

125 See infra, comment to the Article 122 of LCP BiH.
126 Accepting and giving bribe are often termed as the so called encounter offences. In this type of offences perpetrators commit activities which are contrasted to each other (Srzentić, Stajić, Lazarević, 1998). Corruption (that is, accepting and giving bribe as the essence of corruption phenomenon) does not necessarily involve encounter offences. It is possible that one person offers a bribe, but the person that bribe is intended for does not accept it. The person offering it will nevertheless be held liable for giving bribe.
127 It follows from this that a combined use of special investigative procedures is also possible. In the previously described case, agent provocateur and simulated bribe provision are combined.
term «briber» we mean not only police officers, but any person employed by the police for performing this activity), is essential here too and therefore it requires thorough preparation. The complexity of simulated bribery is also reflected by the fact that, for performing this action in a successful way, it is necessary to secure the marked items which are the object of an illegal transaction (usually, but not always, these items are bank-notes), since otherwise there is a faint or no possibility at all of obtaining physical evidence (possession of marked bank-notes).

In special investigative procedures related to supervised transport and delivery of the objects of criminal offence, the transport and delivery of those objects is secretly supervised with the purpose of identifying all persons (especially the person who organised it) participating in committing illegal activities.

Special investigative procedures related to simulated item purchase and simulated bribery, and supervised transport and delivery of the objects of the criminal offence cannot be used in a way which would appear to encourage committing an offence. In that case, the procedure would be treated as unlawful, i.e., the person encouraging bribe giving would risk being liable for participation in committing offence of passive bribery. This also excludes the possibility of conducting criminal proceedings against the encouraged person.

128 Officials applying the mentioned investigation activities must not influence the perpetrator in a way which would encourage that person to make or strengthen the decision to commit an offence but, similarly, they are not limited to the role of a passive observer. In other words, if the potential perpetrator has already made the decision to commit an offence and only waits for an appropriate moment, this will not be considered as an encouragement for committing an offence. Likewise, in case a police (or some other) official provokes someone to commit an offence (for example, offers a bribe without a previously expressed desire of the bribed person for taking gifts or other types of benefits), that would be qualified as an encouragement to acceptance of bribe.
C. Dealing with documents and information gathered while applying special investigative procedures

The legislator explicitly foresees that technical recordings, identity papers and items obtained under the conditions and in the manner regulated in the law, can be utilised as evidence in a criminal proceeding, and the court can base its decision upon them.129

„The freedom judge“, as the preliminary proceedings judge is often (e.g. Pavišić, 2005) referred to in legal books, ensures that the whole process is carried out in accordance with the strictly defined regulations. Namely, pursuant to the Article 119 of LCP BiH, he verifies the validity of the use of special investigative procedures, and informs the person that the procedures were directed against (only after they have been used since, otherwise, their use would have been senseless). Paragraph 2 of the mentioned Article defines the obligation of destroying information and data if a proceeding has been suspended or if those data are not needed anymore in the criminal proceeding (of course, in order to protect data gathered by using special investigative procedures, which, as it has been stated, belong to inviolable constitutional categories).

The prosecutor submits to the preliminary proceedings judge a written report on special investigative procedures used. The judge, as it has already been specified, checks if his order has been followed. Data and information gathered by using special investigative procedures are kept as long as court records of the corresponding procedure are kept.

129 It should be noted that the court decides whether the collected data or facts can be used as evidence or not during the central part of the proceedings. During the investigation data are only being collected and their relevance as evidence will be established subsequently (Grubiša, 1980).
In case the use of special investigative procedures resulted in gathering information on some other offence not listed in the catalogue of offences for which special investigative procedures can be used, those data cannot be used as evidence in the proceedings.

The legal character of investigative actions guaranteed by the Article 116 of LCP BiH is further strengthened by the Article 121 of LCP. If, on the basis of that article, it is established that special investigative procedures have been applied without the order of the judge in charge of the previous proceeding or contrary to that order, the court cannot base its decision on data and evidence collected in that way.

Article 122 of LCP BiH allows for the possibility that the undercover investigator and informant (as modalities of special investigative procedures), as well as the persons who performed the investigative actions of simulated purchase of items and simulated bribery, can be interrogated as witnesses to these actions. They can, on the basis of this legal provision, only testify the use of special investigative procedures, but not to testify information they gathered indirectly, that is, without having a direct access to the source of information (witness by hearsay).130

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130 In this part, our legal system obviously applies the so-called prohibition of derivative evidence presentation (*testes de auditu alieno*, Damaška, 2001.).
III. Police organisational units and fight against corruption

A. Introduction

As a result of the specific state organisation of Bosnia and Herzegovina, in Bosnia and Herzegovina at the moment there are four levels of police structure organised on the state, entity, canton and Brčko District level. The number of analysed legal acts and implementing regulations regulating the organisation and functioning of the police in terms of fight against corruption is so vast that referring to them while making conclusions would unnecessarily burden this text. Therefore, the reader is instructed to consult the Annex no. 1 in case he wishes to become acquainted with legal provisions and implementing regulations. Besides that, here it should be mentioned that this analysis comprises regulations which have been provided (as valid) by the ministries of internal affairs.131

B. Overview of police force structure in BiH

At the moment, there are no police forces with an organisation resembling that of a ministry of internal affairs on the level of Bosnia and Herzegovina. However, within the Ministry of Security of Bosnia and Herzegovina there are certain organisational units which are responsible for, besides other issues, carrying out certain police activities (especially those related to criminal investigations). Due to that, the officials

131 In this research phase, MIA of Republika Srpska, MIA of Herzegovina-Neretva Canton, MIA of West Herzegovina Canton and MIA of Goražde Canton failed to provide their regulations
employed in these organisation units are considered as police officials and their rights and duties are defined by the Law on Police Officials in Bosnia and Herzegovina.\textsuperscript{132} Those are State Investigation and Protection Agency\textsuperscript{133} and State Border Service.\textsuperscript{134}

On the entity level there is the Ministry of Internal Affairs of Republika Srpska and Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina. Ministry of Internal Affairs of Republika Srpska (MIA RS) is responsible for performing police activities on the territory of Republika Srpska, performing the activities under its competence in accordance with the Law on Internal Affairs of Republika Srpska\textsuperscript{135} and other laws defining the operation of this ministry. MIA RS is organised into five public security centres which are directly connected to the MIA RS head office. MIA RS is responsible for all internal affairs in the territory of the whole entity and, according to that, operates on the principles of centralisation and subordination. Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina (MIA FBIH) is, unlike MIA RS, responsible for performing certain police activities (see part C below) in the territory of Federation of Bosnia and Herzegovina, and performs the activities under its competence, as well as the cooperation with cantonal ministries of internal affairs, in accordance with the Law on Internal Affairs of Federation of Bosnia and Herzegovina\textsuperscript{136} and other laws defining the issues this ministry is competent for. Due to the specific legal organisation of the Federation of Bosnia and

\textsuperscript{132} Law on Police Officials in Bosnia and Herzegovina, Official Gazette of BiH, no. 27/04 and 63/04
\textsuperscript{133} Law on State Investigation and Protection Agency of BiH, Official Gazette of BiH, no. 27/04 and 63/04
\textsuperscript{134} Law on State Border Service Official Gazette of BiH, no. 50/04
\textsuperscript{135} Law on Internal Affairs of Republika Srpska, Official Gazette of RS, no. 21/98, 18/99, 25/02, 43/02 and 48/03
\textsuperscript{136} Law on Internal Affairs of the Federation of Bosnia and Herzegovina, Official Gazette of F BiH, no. 42/02
Herzegovina, certain internal affairs are administered by ten cantonal ministries of internal affairs. The divided competence between MIA FBIH and cantonal MIA over internal affairs is reflected by the fact that MIA FBIH is based on the principles of decentralisation and coordination.

Apart from the abovementioned ministries, the internal affairs in one part of Bosnia and Herzegovina, which is not an administrative part of either entity, are conducted by the Police of Brčko District of Bosnia and Herzegovina (BDP BiH). BDP BiH performs the activities which are under its competence, as well as the cooperation with other police authorities, in accordance with the Law on Police of the Brčko District of Bosnia and Herzegovina\textsuperscript{137} and other laws which define the operation of BDP BiH.

C. Specialised units for the fight against corruption

As stressed previously, after the analysis of relevant international legal instruments BiH has ratified, it was concluded that individuals and organisational units responsible for the fight against corruption must be adequately specialised for fighting this type of crime. This means that, on the international level, it has been realised that corruption is a special type of crime and that general knowledge, possessed by members of police forces, as well as the general organisation structure of police forces, are not sufficient for appropriately fighting this socially unacceptable and, certainly unlawful, phenomenon. Findings about exactly which organisation units of particular police forces are responsible for fighting against corruption are presented in subsequent presentations. As for the

\textsuperscript{137} Law on Police of Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District of Bosnia and Herzegovina, no. 2/00, 05/01, 02/02, 17/02, 06/03, 15/04, 42/04, 11/05, 33/05.
adequacy of education and specialised knowledge of police members, see Part IV.

1. State Investigation and Protection Agency (SIPA)

After the analysis of provisions regulating the operation of State Investigation and Protection Agency \(^{138}\) we came to the knowledge that, on the basis of the Book of Regulations on Internal Organisation and Systematisation of the State Investigation and Protection Agency, a special organisation unit for fighting against corruption has been established – Team for Economic Crimes and Anti-corruption. Team for Economic Crimes and Anti-corruption is organised within the Department of Criminal Investigations which is a part of Criminal Investigation Unit which is the central organisation unit of the agency. Such a unit or team exists in the head office of the agency as well as in regional agency offices. Although its name suggests that it will be engaged in economic crimes and anti-corruption, that should not, in any case, reduce the efficiency of the fight against corruption. Additional efficiency of the team should be guaranteed by the intelligence department within a special organisation unit called “Department of criminal intelligence activities and analyses”. In this department there is a special section for the analysis of economic crimes and corruption. In this way, fight against corruption becomes systematised, organised and oriented in terms of operation. Furthermore, the existence of a Department of Internal Control is foreseen in the organisational structure. This department will, among other things, carry out researches with respect to the existence of corruption in the State Investigation and Protection Agency.

\(^{138}\) See annex no 1.
In fighting against corruption, State Investigation and Protection Agency basically acts like an operatively independent organisation, in accordance with the law and based on professional principles. In the organisational unit for the fight against corruption there is a team consisting of 6 persons with a university degree and other 29 persons in regional offices, out of which 12 has a university degree and 17 a high school degree.

The Law on State Investigation and Protection Agency of BiH sets out the obligation of police and other structures on all levels to assist and cooperate with SIPA with respect to issues which are under its competence, including corruption.

International cooperation is established through the Office for cooperation with Interpol.

2. State Border Service (SBS)

SBS is the law enforcement agency primarily responsible for controlling, securing and supervising the state border and airports. However, while carrying out their ordinary duties, SBS officials pay particular attention not only to detecting and preventing illegal entrances to the country, but also to illegal trans-border trade (people, drugs, stolen vehicles), use of falsified documents, and the fight against terrorism and other criminal activities. Since all these activities are under the competence of SBS, it is that there is no unit for fighting against corruption within SBS. Nevertheless, as it can be seen from statistical data (see part III), SBS is also engaged in investigating corruption-related offences. Central Investigation Office is responsible for the fight against corruption, as well as the department of Internal Control which is an organisational unit of SBS Directorate.
3. Ministry of Internal Affairs of Republika Srpska (MIA RS) 139

In the functional sense, MIA RS manages the so-called internal affairs through seven departments and other organisational units. Under the term 'internal affairs' in RS is meant, among other things, operative and professional, administrative and legal, and other activities related to prevention and detection of offences, locating, arresting and delivering perpetrators to competent authorities, keeping public peace and order, etc. Therefore, it is extremely clear that corruption, a phenomenon manifested through committing various offences defined in CL RS, falls under the competence of MIA RS. One of the seven departments is the Crime Investigation Police Department, which consists of seven departments. The operation of Crime Investigation Police Department is directed, in addition to other issues, at preventing organised crime, production and selling of narcotics, economical crime and corruption, stealing motor vehicles as well as preventing other general offences.

4. Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina (MIA F BiH) 140

The competencies of the Federal Ministry of Internal Affairs are defined by the Law on Internal Affairs of the Federation of Bosnia and Herzegovina and relate to, among other things,

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139 Ministry of Internal Affairs of Republika Srpska refused to cooperate in this project phase, so in this part of the report the information on the specialised anti-corruption police unit within this institution is absent.

140 Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina refused to cooperate in this project phase, so in this part of the report the information on the specialised anti-corruption police unit within this institution is absent.
preventing offences related to terrorism, trans-cantonal crime, drugs trafficking, organised crime, locating and arresting perpetrators of these offences in accordance with the abovementioned law. Although the term corruption is not specifically stated in the law, on the basis of well known correlation between corruption and organised crime, as well as on the basis of the fact that, due to its nature, corruption is often a type of trans-cantonal crime, we can conclude that corruption, together with other offences, falls under the competence of MIA FBIH.

5. Cantonal Ministries of Internal Affairs

Federation of Bosnia and Herzegovina, as it is already well known, is territorially and administratively divided into ten cantons. In each canton there is a cantonal ministry of internal affairs, consisting of police departments formed on the basis of territorial and administrative principles. In a police department there are two or more police stations (municipality level). The competencies of cantonal ministries of internal affairs are defined by cantonal laws on internal affairs (see Annex no. 1.). Their competence is limited to the borders of their canton, and they are obliged to cooperate with other cantonal ministries, as well as with the Federal Ministry of Internal Affairs and SIPA. Besides maintaining public peace and order in their respective cantons, they are responsible for organised crime, drugs, terrorism and other offences. The analysis that has been carried out showed that neither cantonal ministry of internal affairs has a special organisation unit responsible for corruption-related issues. On the cantonal level, organisational units that are fighting against corruption outside of the police organisation are mostly departments of economical crimes, whereas the units for internal control (i.e. the units for professional standards and
departments for citizen complaints) are responsible for fighting against corruption within the police organisation itself. It follows from this that on cantonal level, in the sense of specialisation of organisational units for the fight against corruption, more attention is paid to the fight against corruption 'in the police' than 'outside the police'.

6. Brčko District Police of Bosnia and Herzegovina (BDP BiH)

BDP BiH has a complete, real and local competence over the Brčko District area, defined by the Law on Police of the Brčko District. In BDP BiH there is no specialised unit for the fight against corruption. Those activities are in the District territory performed by the Crime Investigation Police Unit, as a part of its responsibilities towards the fight against crime with a special accent on organised crime. Besides this unit, in BDP BiH there is a Unit for professional standards which investigates the cases of corruption within the police. This unit supervises and controls the legality of police officials' operation with respect to the abuse of official position, exceeding the authorities and the potential involvement in criminal activities. Thus, BDP BiH in its organisational scheme also does not foresee a special unit for the fight against corruption.
IV. Code of ethics, police and corruption

There is no doubt as to the existence of a connection between professional vocation on one side and ethical behaviour on the other; no profession is possible without ethics nor is ethics possible without professional attitude. In that sense it is good to know that professional ethics codex or the ethical codex of a profession represent nothing but a group of ethical norms regulating the behaviour in a certain profession. Every codex of professional behaviour should reflect issues which affect people it refers to. If we say that the role of a code of ethics in the police is to define the directives for the behaviour of police officials thus enabling them to carry out their duties in a lawful, fair, moral and unbiased manner, then the role of such a document in reducing corruption cannot be questioned. It is because of that it was so surprising (even stunning) to see that neither of the observed police organisations in Bosnia and Herzegovina, at the beginning of the 21st century, had code of ethics for police officials.

Only five cantonal ministries of internal affairs in Bosnia and Herzegovina do have codes of ethics or behaviour standards, with those differing in both their volume and their content. In their content, among other things, the codes of ethics state that police official should refrain from committing offences, protect secret and confidential data, and prohibit acceptance of gifts or other types of personal benefits as well as involvement in corruption-related offences. Rarely, code of ethics suggest that a police official is obliged to encourage the members of his family not to gain any unlawful material benefit for themselves or

141 For more information on the importance of ethical codices see Gredelj/Gavrilović/Šoljić. (2005). Profesija (i) korupcija; Aktiviranje profesionalnih udruženja u borbi za integritet profesija i protiv korupcije. Beograd: Centar za monitoring i evaluaciju. Pp. 17 and onward
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someone else, not to accept gifts and not to start business relations which seem to be only abusing the status of a police officer.
V. Recommendations concerning harmonisation of national legislation with the international standards

A. Defining corruption-related offences

1. Evaluation of harmonisation of national legislation with the international standards

After comparing local regulations with those set out in the most important international conventions concerning the fight against crime in the territory of Great Europe (the area of the Council of Europe), which, first of all, implies the comparison with Criminal Law Convention on Corruption, and bearing in mind the existence and entry into force of the UN Convention on Corruption,\(^{142}\) several conclusions have been made regarding the harmonisation of domestic with international standards in defining corruption-related offences.

The Article 2 of the Criminal Law Convention on Corruption of the Council of Europe defines active bribing of local officials, which, if we compare it to domestic criminal law provisions, closely corresponds to the latter (with minor differences). Thus, in Criminal Law Convention on Corruption direct or indirect offering, promising or giving unmerited benefit are explicitly specified, that not being the case with domestic law where these issues are regulated by criminal law theory. Criminal Law Convention on Corruption uses the term unmerited benefit for

\(^{142}\) We would like to remind the readers that Bosnia and Herzegovina signed this convention on December 16\(^{th}\) 2005. The convention has not yet been ratified, which means that BiH, at the moment, is not obliged to follow the convention.
the benefit obtained by bribing, while the attribute „unmerited“ is (once again) defined in BiH by the criminal law theory i.e. by the interpretation of legal provisions. The theory (mainly in the works of Derenčinović, but also Lazarević, etc.) distinguishes between the incomes which an official person earns by performing his official duty and those generated (received) for lawful or unlawful performing of an official duty (bribe is treated as an instrument for influencing the regular activities of official persons). Despite the fact that BiH legislator does not use the term unmerited benefit, criminal law theory uses the term benefit to refer exactly to unmerited (illegal) benefit, thus proving that domestic legal solutions are not in collision with the international ones. The same remark, mutatis mutandis, can be applied to passive bribing (Article 3 of the Convention). With respect to the incrimination of active and passive bribing as paradigms of corruption, BiH has several advantages. BiH legislator incriminates also the subsequent acceptance of bribe, unlike the Criminal Law Convention of the Council of Europe.

The Article 5 of the Criminal Law Convention on Corruption regulates the issue of Bribing foreign officials; Article 6 Bribing foreign assembly members; Article 9 Bribing international organisation members; Article 10 Bribing international parliament assembly members, and Article 11 Bribing judges and international court officials. These forms of bribing differ from the so-called provision model in the Articles 2 and 3 of the Criminal Law Convention only with respect to the subject (active and passive). Because the reform of the criminal legislation in BiH has introduced the concept of a foreign official person, this being the result of consultations and harmonisation with the most important international resolutions in the area of corruption, BiH has more than adequately defined the criminal liability of persons belonging to the categories set out in the abovementioned articles of the Criminal Law Convention on Corruption.
In BiH legislature it seems necessary to define, in domestic laws, the active and passive bribing in private sector (Articles 7 and 8 of the Criminal Law Convention on Corruption) as being offences (perpetrator of a corruption-related offence, according to domestic criminal law regulations, can be only an official or responsible or influential person employed in the institutions of BiH or the entities/BD BiH, or a foreign official person.

The Article 12 of the Criminal Law Convention on Corruption defines the obligation of the countries signing that convention to incriminate Trade in influence in their national legislation. This differs from Illegal intervention offences set out in BiH laws in that it foresees giving or offering unlawful benefit in return for an intervention (for the purposes of this paper, this is called active unlawful intervention), which does not exist in the local incrimination catalogue. This provision should be paid particular attention in the future. The Articles 13 and 14 of the Criminal Law Convention of the Council of Europe foresee liability for Money laundering obtained by committing a corruption-related offence and Accounting offences, the offences which are, to a great extent, regulated by the provisions on Money laundering and Tax evasion in BiH legislation.

Provision of bribe is regulated by the Article 15 item a) of the UN Convention on Corruption. Our legislator has been more precise in defining active bribing by making a distinction between proper and improper active bribing (giving or promising bribe in exchange for unlawful or lawful carrying out of an official duty), whereas in the UN Convention there is a general stipulation (“...performing or refraining from performing official duties“). Nevertheless, the essence of the offence is identical in both documents. The same applies to passive bribing, defined in the item b) of the same Article of UN Convention, with some mutatis mutandis alterations (in both items the term unmerited benefit is used, which is, with respect
to the local regulations, elaborated in this following text). The Article 16 of the UN Convention on Corruption deals with bribing foreign public officials and officials employed in international public organisations. Fraud, abuse or other illegitimate use of property by a public official (Article 17 of the UN Convention) are activities which correspond to Fraud on the official position and Official service offences, as defined by the local legislation. The difference between the offences in Article 18 of the UN Convention (Abuse of power) and Illegal intervention offences in BiH criminal law regulations, lies in the fact that in local legislation, in order for an illegal intervention offence to be considered as committed, the reward or other type of benefit needs to be accepted (it is irrelevant whether the intervention has been performed, or performed successfully), this not being the case in the UN Convention. Apart from that, according to the UN Convention on Corruption, provision of unmerited use to a public official who performed an illegal intervention (in this part, this was previously referred to as active illegal intervention) is also deemed punishable by law. The Article 19 of the UN Convention defines the Abuse of function offence, while the Article 23 defines the Laundering of money obtained by committing an offence (both these offences are adequately regulated in BiH legislation). In BiH laws, the legislator failed to incriminate offences related to Illegal accumulation of wealth (Article 20 of the UN Convention), Bribing in private sector (Article 21 of the UN Convention), and Property fraud in private sector (Article 22 of the UN Convention). The offences related to Concealment (Article 24 of the UN Convention on Corruption), and Disruption of justice (Article 25 of the UN Convention on Corruption) are mainly covered by the BiH criminal law regulations defining the offences of Offering help to the perpetrator after the offence was committed and Obstructing the process of proving.
In the end, it should be emphasized that the provisions of the Criminal Law Convention on Corruption of the Council of Europe and the UN Convention on Corruption appear to be the most appropriate (in fact, inevitable) basis for compliance with international trends with respect to defining the phenomenon of corruption and successful fight against it. Considering the fact that the abovementioned solutions offered in these conventions undoubtedly reflect all contemporary criminal law tendencies in the world, that the leading criminal law experts contributed to their adoption, that both of them have already entered into force (which proves their quality and widespread approval), BiH, as a post-war country in transition, facing widespread corruption which costs a great deal of money, must continue with implementing reforms and fully adjust to the solutions presented in the abovementioned conventions.

2. Recommendations concerning corruption-related offences

For this reason, in the domestic criminal legislation it is necessary to:

- **Incriminate active and passive bribing in private sector;**
- **Incriminate provision or giving an unlawful benefit as a reward for performing an intervention (active unlawful intervention);**
- **Incriminate sudden accumulation of property of a public official which cannot be properly explained with respect to his legal income (illegal accumulation of wealth).**

By doing this, the process of harmonisation of BiH criminal legislation with modern European and global trends would be completed.
B. Use of special investigation procedures in case of committing corruption-related offences

1. Evaluation of compliance of national legislation with international standards

On the normative level, despite the fact that in the beginning it was declared as the reform which would enlarge the capacities for a more efficient fight against corruption and organised crime, the 2003 reform of the penal justice system failed to define an extensive instrument package to be used in the realisation of these goals. Everything that is traditionally, as well colloquially, considered the essence of corruption, remained outside of the scope of legal use of special investigative procedures.

The 2003 reform failed to include all corruption-related offences in the investigation of which it is possible to use special investigative procedures. In comparative law, the Republic of Croatia included in its legal system the possibility of using special procedures in the investigation of corruption-related offences.

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143 When all legal (and material and procedural) conditions are fulfilled, special investigation activities can be used for investigating following corruption-related offences: qualified abuse of position; qualified fraud on the official position; and qualified deceit (identical solutions in all LCPs in BiH).

144 All international conventions dedicated to the fight against corruption by the term “corruption” primarily consider active and passive bribing and illegal intervention. Besides that, the abovementioned offences for which the legislator foresees the possibility of use of special investigative actions, the types of corruption related-offences have been qualified. None of the basic types of these offences fulfils the legal conditions for the use of special investigative procedures.
The same situation is Belgium, Sweden, as well as in the USA, Canada etc. The inclusion (in the incrimination catalogue) of the corruption-related offences for which it is possible to use special investigative procedures, is being the subject of debates in Germany.¹⁴⁵

In the publication of the Stability Pact Anti-corruption Initiative (SPAI), called *Anti-corruption measures in south-eastern Europe: case study and reform priorities*, it is said that: „an important step towards an improved investigation potential in corruption and money laundering offences is the existence of an extensive and institutional framework for the use of special investigative procedures which adequately respects human rights (setting up necessary control mechanisms and judicial authority supervision)” (2001: 14).

The secret and complex character of corruption requires the use of special investigative procedures against it. In relation to this, *Report on supervision over communications and surveillance of premises*, prepared by a group of experts for criminal law and criminal aspects of organised crime at the Council of Europe, states that:

„Although it is exceedingly difficult to scientifically ascertain the efficiency of the use of undercover methods...the representatives of three countries, interviewed for the purposes of a research on best practices, share the opinion that undercover investigative actions are necessary in fighting against organised crime perpetrators. A few of them said that these methods are useful also in other investigations, like proactive fighting against corruption“ (CDPC, 2000: 21). „After only one year of using undercover methods, information gathered in this way has been

presented as evidence in courts. This change in corruption-fighting policy came as a shock to the criminals, and generally it is considered that results in larger number of verdicts...Many of these verdicts have been brought for serious offences including several felonies“ (ibid.: 19).

This remark on the use of special investigative procedures for improving the efficiency of the fight against corruption has been made also by other people: e.g. a criminal research carried out by Bannenberg in Germany in 2003,\textsuperscript{146} suggested the engagement of agent provocateurs.

In 2003 an extremely valuable research has been completed by a group of researchers from the eminent German Max-Planck institute for foreign and international criminal law on the efficiency of the special investigative procedure of surveillance over communications. This research, which included among other things the analysis of judicial acts on cases in which special investigative procedures were used, showed the great efficiency of these procedures and measures. Namely, out of 1065 persons against whom special investigative procedures had been used, 487 of them (45 \%) were convicted!

This agrees with the opinion of a large number of best European practitioners in this area.\textsuperscript{147} Finally, some local theoreticians and experts support the inclusion in the

\textsuperscript{146} Bannenberg conducted a research based on studying 101 criminal investigations with 436 perpetrators.

\textsuperscript{147} For example, compare the conclusions of the Fifth European Conference on Units Specialised for Fight against Corruption. Available at http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Combating_economic_crime/Conferences_of_specialised_services/2000%28Istanbul%29Conclusions.asp#TopOfPage
incrimination catalogue of the corruption-related offences for which it is possible to use special investigative procedures. 148

2. Recommendations concerning special investigative procedures applicable to corruption-related criminal acts

The investigation of corruption-related offences is so complicated that it requires special investigation strategies and activities, with far more sophisticated procedures than those used in the investigation of other ("conventional") offences. For this reason, it is necessary to:

- Alter the existing BiH criminal procedures and make the use of special investigative procedures possible in detecting and proving all corruption-related offences!

C. Anti-corruption police organisational units

1. Evaluation of compliance of national legislation with international standards

The analysis that has been carried out shows that, except for SIPA, no other police organisation in BiH has a specialised unit for fighting against corruption. Numerous factors such as

specific state organisation of BiH; special relations in the cooperation of police forces on all state levels; different organisational units responsible for fighting against corruption in different police forces, etc., and, on the other hand, the scope and dynamics of corruption-related offences in BiH, point at the need for specialised units for fighting against corruption. The fact that BiH has signed and ratified the Criminal Law Convention on Corruption leaves no space for dilemmas, opinions and different interpretations. The implementation of an assumed international obligation foreseeing the adequate specialisation for the fight against corruption of individuals and authorities is inevitable.

2. Recommendations concerning anti-corruption police organisational units

What is the best way to fulfil the abovementioned international obligation is another issue. As the Criminal Law Convention on Corruption does not require the organisation of special units on all police operation levels, the idea of BiH having such units on the state, entity, cantonal and district level seems absurd. However, apart from the already existing unit in SIPA, it seems necessary to form special anti-corruption teams at least on the level of F BiH, RS and district. The alternative to this proposal would be the establishment of state-level body which would coordinate the activities of different organisational units in different police forces. It seems that such an attitude would at least virtually establish a specialised body on the state level, although its efficiency would be doubtful because the idea behind a special anti-corruption body is not to complicate the communication between special units and the coordination of their activities, but rather to simplify that communication, centralise all activities and enhance the efficiency.
Considering the above conclusions, the following actions seem necessary:

- Establishing, within the Ministry of Internal Affairs of FBiH, a special anti-corruption team, which would deal only with corruption-related offences;
- Establishing, within the Ministry of Internal Affairs of RS, a special anti-corruption team, which would deal only with corruption-related offences;
- Establishing a special anti-corruption team within the Police of Brčko District BiH;
- Adopting necessary legal provisions which would enable a direct cooperation between entity/district anti-corruption teams with the appropriate team in SIPA with respect to fighting against corruption.
Part III
Results of analysis of official statistical corruption indicators in Bosnia and Herzegovina
I. Introduction

With the goal of further affirmation of research project and the implementation of tasks based on the result of the past research the activities planned by the program were carried out and the realisation of the planned Phase II of the project 'Police and corruption' started. During this phase it was planned to perform an analysis of judicial and disciplinary practice for the period from January 2000 to December 2004, with the goal of determining how many corruption cases were processed in Bosnia and Herzegovina, with the special task of isolating those cases of corruption where members of police structures were involved.

In accordance with the above stated, the Association of Criminalists in Bosnia and Herzegovina has submitted to the authorised Ministries of Internal Affairs (MIA RS, MIA Federation of BiH, MIA Brčko District, all cantonal Ministries of Internal Affairs, State Border Service and SIPA) all written document with the demand to check the records on penalties and operations of their ministries and to determine the total number of investigations that were conducted on the basis of doubt of commission of criminal offences that constitute criminal offences of corruption or criminal offences against official and other responsible duties (listed in the Table 1, Annex 2) during the period from January 2000 till December 2004, selecting the data on the basis of specific criteria (listed in Table 2, Annex 2). The same document required during the same period 2000.-20004. the checking of records of internal investigation and disciplinary proceedings in order to determine in how many cases did the police officers commit the violations of disciplinary
responsibility, that is violations of work duties, for the reasons of corruption behaviour, also by selecting the data on the basis of specified criteria (listed in Table 3, Annex 2).

Even though by the above mentioned document the responsible executives, directors, police commissioners and the ministers of the Ministries of Internal Affairs and other bodies and security agencies have been informed and warned for the third time about the importance of the project, which has for its goal establishment of cooperation between the governmental and the non-governmental sector, the Ministry of Internal Affairs of RS and the Ministry of Internal Affairs of TK have denied the cooperation on the project in this phase, and regardless the fact that in the written acts on cooperation we have referred to provisions of the Law on free access to information.

After collecting the requested data from the records of Ministries of Internal Affairs, with the note that the Ministry of Internal Affairs of RS and the Ministry of Internal Affairs of TK have not provided us with the data, the Association of Criminalists in Bosnia and Herzegovina has submitted to the competent Public Prosecutor’s Offices in Bosnia and Herzegovina, Brčko District, RS, FBiH, and the Cantons, written acts with the demand to allow access to the records to the members of the Association, researchers in the project, in order for them to determine how many investigations were conducted on the basis of doubt that criminal offences that constitute criminal offences of corruption and criminal offences against official and other responsible duty had been committed in the period from January 2000 till December 2004, selecting the data on the basis of results of the investigation, charges raised and the type of the verdicts.

Even though in our documents, apart from the invitation to cooperate, it has been pointed out that it is necessary for the members of the Association, researchers in the project, to
participate in the process of collecting the required data, and even though formal legal norms were not preventing us from it, all the Prosecutor’s Offices ignored our position, and delivered the Association, in the written form, non unified data, and in certain cases, depending on the prosecutor’s office and the manner in which certain records were being made, it was not possible to use all the information delivered on the basis of which the complete analysis would be made.

The researches were forced, in the course of the analysis being conducted, to consider relevant only those information and data that was submitted to the Association in the written form, which additionally confirms their authenticity.
II. Analysis of data submitted by police entities in Bosnia and Herzegovina

In the period from 2000 until 2004, according to the police entities in Bosnia and Herzegovina (rulings out those who had not provided us with the data) total of 534 corruption related criminal offences had been reported.¹⁴⁹

| YEAR | MIA SARAJEVO CANTON | MIA ZENICA-DoboJ CANTON | MIA CENTRAL BOSNIA CANTON | MIA Tuzla CANTON | MIA Bosnia-Podrinje CANTON | MIA Una-Sana CANTON | MIA Herzegovina-Neretva CANTON | MIA West Herzegovina CANTON | MIA Canton 10 (Ljivo) | MIA Posavina CANTON | POLICE OF BOSNIA AND HERZEGOVINA | MIA Federation of Bosnia and Herzegovina | MIA Republic of Serbski | State Border Service | STATE INVESTIGATION AND PROTECTION AGENCY | TOTAL |
|------|----------------------|-------------------------|---------------------------|-----------------|---------------------------|-----------------|--------------------------|---------------------------|---------------------|-----------------|--------------------------|------------------|------------------|--------------------------|-------|
| 2000 | 55                   | 21                      | 9                         | 0               | 8                         | 1               | 1                        | 15                        | 0                   | 1               | 0                        | 0                | 0                | 111                      | 111   |
| 2001 | 46                   | 25                      | 6                         | 0               | 2                         | 0               | 4                        | 6                         | 5                   | 7               | 17                       | 0                | 118              | 157                      | 118   |
| 2002 | 32                   | 48                      | 1                         | 0               | 2                         | 2               | 1                        | 7                         | 12                  | 0               | 21                       | 31               | 0                | 157                      | 157   |
| 2003 | 22                   | 6                       | 0                         | 0               | 0                         | 2               | 0                        | 12                        | 4                   | 0               | 13                       | 19               | 78               | 78                       | 78    |
| 2004 | 20                   | 6                       | 0                         | 0               | 1                         | 0               | 0                        | 0                         | 1                   | 1               | 13                       | 28               | 0                | 70                       | 70    |
| TOTAL| 175                  | 106                     | 16                        | 0               | 13                        | 5               | 5                        | 26                        | 37                  | 1               | 55                       | 95               | 0                | 534                      |       |

**TABLE 1.**: Review (table and graph) of the total number of reported corruption related criminal offences, divided by police entities and years, in the 2000-2004 period.¹⁵⁰

¹⁴⁹ The term corruption related criminal acts implies the criminal acts listed in Annex 2.

¹⁵⁰ The data do not include MIA of Tuzla Canton and MIA RS.
Table 1. shows total number of corruption related criminal offences classified by police entities in which it had been reported. Graph 1. shows that in the period from the year 2000 till 2002 the number of reported corruption related criminal offences was in a mild growth, and that number decreased drastically in the years 2003 and 2004.

If we take an individual look at the situation in each canton, we can conclude that the number of reported criminal offences of corruption in the observed period in Canton Sarajevo and in Una-Sana Canton is in a constant fall, whereas in Canton 10 it is in a constant growth.

Of the total number of reported criminal offences for which we had been given data for, the greatest number was reported in Ministry of Internal Affairs of Sarajevo Canton 32%, followed by Ministry of Internal Affairs of Zenica-Doboj Canton 19,9%, State Border Service SBS 17,8%, etc, whereas in Ministry of Internal Affairs of Bosnian-Podrinje Canton and State agency for investigation and protection (SIPA) there were no reports of the above mentioned criminal offences.
TABLE 2.: Review of the total number of reported corruption related criminal offences classified by qualification of the criminal offences and years for the period from 2000 until 2004.¹⁵¹

<table>
<thead>
<tr>
<th>TYPE OF THE CRIMINAL ACT</th>
<th>TOTAL</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive bribery</td>
<td>9</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Active bribery</td>
<td>59</td>
<td>2</td>
<td>7</td>
<td>10</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>Trading in influence</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Abuse of office</td>
<td>234</td>
<td>55</td>
<td>56</td>
<td>68</td>
<td>35</td>
<td>20</td>
</tr>
<tr>
<td>Other corruption related</td>
<td>231</td>
<td>53</td>
<td>51</td>
<td>78</td>
<td>28</td>
<td>21</td>
</tr>
</tbody>
</table>

| TOTAL                         | 534   | 111  | 118  | 157  | 78   | 70   |

Graph 2.

![Graph showing the ratio between criminal acts of abuse of office and active bribery](image.png)

The criminal offences of Abuse of office were in a mild growth in the period from 2000 until 2002, and they started decreasing significantly in the period from 2003 till 2004. On the

¹⁵¹ The data does not include MIA of Tuzla Canton and MIA of RS.
other hand, the criminal offences of Active bribery were in a constant growth during the whole period of the analysis. The other two criminal offences did not have a significant trend in the period of analysis.

In the period of analysis a special attention was drawn to the information that out of the total number of reported corruption related criminal offences 43, 8% are criminal offences of **Abuse of office**, 11% are criminal offences of Active bribery, 1,7% are criminal offences of Passive bribery, 0,2% are criminal offences of Trading in influence, and 43,25% are other corruption related criminal offences (Table 2.).\(^{152}\) The domination of the criminal act of abuse of office can perhaps, be explained by the extremely complicated and difficult way of proving the criminal act of passive bribery. Namely, it is understandable that, due to the nature of the criminal act of passive bribery, this offence takes place in a very ‘private’ environment between the person who offers the gift or other form of benefits and the person who takes that gift or benefits, therefore the proofs for this taking place are very rare. For this reason, Prosecutor’s offices, in the case of reasonable doubt that somebody has intentionally gained illegal profit, prefer to classify this as a criminal act of abuse of office rather than as passive bribery, because it is relatively easier to prove that somebody has gained profit by abuse of its position or authority, by crossing the borders of its official authority or by not performing its official duty.

\(^{152}\) The four listed criminal acts are, as classical corruption offenses, shown individually, whereas all the other criminal acts have been presented collectively as ‘other corruption related criminal acts
A. Perpetrators of corruption

Out of the total number of reported corruption related criminal offences (534), 27,2% (or 145) were performed by perpetrators who are members of police forces, while citizens performed 72,8% (or 389) of corruption related criminal offences (Graph 3.).

Graph 3.: Review of the total number of reported number of criminal offences of corruption divided by years, depending on whether the perpetrators were members of police forces or not in the 2000-2004 period.

1. Citizens and corruption

Citizens perpetrators of corruption related criminal offences, out of the observed corruption related criminal offences, have performed criminal offences of Abuse of office 44,21%, Active bribery 15,16%, Passive bribery 1,2% and Trading in influence 0,25%.
TABLE 4.: Table review of the number of reported criminal offences of corruption perpetrated by citizens, divided by qualification and years, for the period from 2000 till 2004.\textsuperscript{153}

<table>
<thead>
<tr>
<th>TYPE OF THE CRIMINAL ACT</th>
<th>TOTAL</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive bribery</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Active bribery</td>
<td>59</td>
<td>2</td>
<td>7</td>
<td>10</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>Trading in influence</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Abuse of office</td>
<td>172</td>
<td>45</td>
<td>39</td>
<td>44</td>
<td>26</td>
<td>18</td>
</tr>
<tr>
<td>Other corruption related criminal offences</td>
<td>152</td>
<td>46</td>
<td>39</td>
<td>19</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>TOTAL</td>
<td>389</td>
<td>94</td>
<td>86</td>
<td>83</td>
<td>60</td>
<td>66</td>
</tr>
</tbody>
</table>

The total number of perpetrators of corruption related criminal offences is 807, and 84.13\% of them are citizens (Table 6.).

2. Police members and corruption

Perpetrators of corruption related criminal offences who are also members of police forces, out of the observed corruption related criminal offences, have performed criminal offences of Abuse of office 42.7\%, and Passive bribery 2.7\%. The other two observed corruption related criminal offences were not performed by the members of police forces (Table 5.)

\textsuperscript{153} The data does not include Ministry of Internal Affairs of Tuzla Canton and Ministry of Internal Affairs of RS.
TABLE 5.: Table review of the number of reported corruption related criminal offences perpetrated by members of police forces, classified by qualification and years, for the period from 2000 till 2004.\textsuperscript{154}

<table>
<thead>
<tr>
<th>TYPE OF THE CRIMINAL ACT</th>
<th>TOTAL</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive bribery</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Active bribery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Trading in influence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Abuse of office</td>
<td>62</td>
<td>10</td>
<td>17</td>
<td>24</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Other corruption related criminal offences</td>
<td>79</td>
<td>7</td>
<td>12</td>
<td>49</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>145</td>
<td>17</td>
<td>32</td>
<td>74</td>
<td>18</td>
<td>4</td>
</tr>
</tbody>
</table>

Out of the total number of perpetrators of corruption related criminal offences 15.87\% are members of police forces (Table 6.).

TABELA 6.: Table review of the of perpetrators of corruption related criminal offences, classified by years, depending on whether perpetrators are members of police forces or citizens, for the period from 2000 till 2004\textsuperscript{155}

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL</th>
<th>MEMBERS OF POLICE FORCES</th>
<th>CITIZENS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>170</td>
<td>13</td>
<td>157</td>
</tr>
<tr>
<td>2001</td>
<td>164</td>
<td>22</td>
<td>142</td>
</tr>
<tr>
<td>2002</td>
<td>237</td>
<td>72</td>
<td>165</td>
</tr>
<tr>
<td>2003</td>
<td>135</td>
<td>17</td>
<td>118</td>
</tr>
<tr>
<td>2004</td>
<td>101</td>
<td>4</td>
<td>97</td>
</tr>
<tr>
<td>TOTAL</td>
<td>807</td>
<td>128</td>
<td>679</td>
</tr>
</tbody>
</table>

\textsuperscript{154} The data does not include Ministry of Internal Affairs of Tuzla Canton and Ministry of Internal Affairs of RS.

\textsuperscript{155} The data does not include Ministry of Internal Affairs of Tuzla Canton and Ministry of Internal Affairs of RS.
In the structure of the perpetrators members of police forces, the perpetrators are in most cases police officers 77.3%, followed by executives 19.9%, and referents 2.8% (table 7). The data regarding the ratio of the number of ‘common’ police officers perpetrators of these criminal offences and the number of executives would gain its full meaning if it were possible to know how many persons in the police structures have executive function, and how many function of a ‘common’ police officer. Just in that case would we become better informed about which percentage of the executives (out of the total number of executives) has been reported to have perpetrated corruption related criminal offences, as well as which percentage of ‘common’ police officers has been reported to have perpetrated those same offences. Unfortunately, the Ministries of Internal Affairs did not submit this kind of data.

**TABLE 7.: Structure of perpetrators of criminal offences of corruption according to the working position in police and classified by years for the period from 2000 till 2004.**

<table>
<thead>
<tr>
<th>WORKING POSITION</th>
<th>TOTAL</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE OFFICER</td>
<td>99</td>
<td>2</td>
<td>18</td>
<td>59</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>REFERENT</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MANAGER</td>
<td>25</td>
<td>10</td>
<td>4</td>
<td>10</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>128</td>
<td>13</td>
<td>22</td>
<td>72</td>
<td>17</td>
<td>4</td>
</tr>
</tbody>
</table>
III. Analysis of data submitted by Prosecutor’s offices in Bosnia and Herzegovina

During the processing and analysis of the data received from the Cantonal prosecutor’s offices,156 Prosecutor’s office of Brčko District and Republic Prosecutor’s office of Republic of Srpska it has been noticed that the data had been submitted in different manners, so it was not possible to unify the data of the Republic Prosecutor’s office of RS with the other data, therefore, the analysis will be performed separately for the area of Federation BiH, the area of Republic of Srpska and the area of Brčko District.

We have to mention that the number of launched investigations is not comparable with the number of corruption related criminal offences reported to police entities (534), out of a number of reasons. For example, the reports of corruption related criminal offences are not submitted just by police entity but also by citizens, individually, other state, entity, or cantonal entities. The act of submitting criminal charges to prosecutor’s office does not necessarily include launching of an investigation (it is necessary to have reasonable doubt), a particular number of investigations launched in the year 2000 were investigations related to criminal offences from the earlier period, etc.

It is also clear, from the data submitted, that the Prosecutor’s officers did not submit the data about the perpetrators, so we will not be able to make an analysis related to perpetrators of the corruption related criminal offences, that is related to the perpetrators who are members of police entities.

156 The Prosecutor’s office of Federation of Bosnia and Herzegovina did not submit any data about the corruption related criminal acts, but it has been indicated that this Prosecutor’s office did not conduct investigations regarding the mentioned issues, but these acts were treated by the authorities cantonal prosecutor’s offices.
A. Data from Cantonal Prosecutor’s offices of the Federation BiH

1. Reported, accused and judged corruption related criminal offences

In the period from 2000 till 2004 the authorised Cantonal Prosecutor’s offices have launched 1530 criminal investigations for the corruption related criminal offences.

TABLE 8.: Review (table and graph) of the number of corruption related criminal offences processed in the competent Cantonal Prosecutor’s offices of FBiH classified by years

<table>
<thead>
<tr>
<th>YEAR</th>
<th>INVESTIGATION</th>
<th>CHARGES</th>
<th>CONFESSION AGREEMENT</th>
<th>LEGALY VALID VERDICTS OF GUILTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>310</td>
<td>125</td>
<td>0</td>
<td>92</td>
</tr>
<tr>
<td>2001</td>
<td>314</td>
<td>184</td>
<td>0</td>
<td>77</td>
</tr>
<tr>
<td>2002</td>
<td>340</td>
<td>141</td>
<td>1</td>
<td>58</td>
</tr>
<tr>
<td>2003</td>
<td>455</td>
<td>217</td>
<td>0</td>
<td>55</td>
</tr>
<tr>
<td>2004</td>
<td>111</td>
<td>78</td>
<td>5</td>
<td>46</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1530</td>
<td>745</td>
<td>6</td>
<td>328</td>
</tr>
</tbody>
</table>

[Graph showing the number of investigations, charges, and guilty verdicts over the years 2000 to 2004.]
It can be seen in the Table 8 that in the period from 2000 till 2003, the number of investigations of corruption related criminal offences was slightly increasing but in the year 2004 this number was significantly decreased.

In this same period the competent Cantonal Prosecutor’s offices in FBiH brought 745 charges against corruption related criminal offences. The number of charges brought classified by years is not significant, but it can be noticed that in 2004 the number of charges brought has been significantly decreased.

Comparing the number of launched investigations and the charges brought, it can be noted that 46,7% of the launched investigations were concluded by bringing charges. However, this percentage should be taken tentatively since a certain number of investigations have not yet been concluded, and a certain number of charges were probably brought without an investigation being conducted firstly.

It can be seen in Table 8, that in the period of analysis based on the charges brought for the corruption related criminal offences, 328 of them were convicting verdicts that came into effect (became legally valid), out of which six were made on the basis of guilt agreement. Comparing this number with the number of charges it can be noticed that 44% of charges were concluded with convicting verdicts that came into effect.

2. Structure of processed corruption related criminal offences

Analysing the structure of criminal offences for the whole period it is noticeable that the one that has been processed most often is ‘Abuse of office’ as defined in the article 383., Criminal Law of FBiH, 61,7%. Passive bribery, as defined in the article 380., Criminal Law of FBiH covered 1,5%, in the total number of investigations launched, Active bribery, as defined in the article 381 of, Criminal
OVERTLY ABOUT POLICE AND CORRUPTION

Law of FBIH covers 1% and Trading in influence, as defined in the article 382., Criminal Law FBIH covers 0,3% (Table 9.).

**TABLE 9.: Table review of the number of corruption related criminal offences processed in the authorised Cantonal Prosecutor’s offices of FBIH classified by the qualification of the act**

<table>
<thead>
<tr>
<th>TYPE OF THE CRIMINAL ACT</th>
<th>INVESTIGATION</th>
<th>CHARGES</th>
<th>CONFESSION AGREEMENT</th>
<th>LEGALY VALID VERDICTS OF GUILTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive briberys</td>
<td>23</td>
<td>17</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Article 380.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active bribery</td>
<td>16</td>
<td>11</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Article 381.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trading in influence</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Article 382.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abuse of office</td>
<td>944</td>
<td>377</td>
<td>3</td>
<td>102</td>
</tr>
<tr>
<td>Article 383.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other corruption related</td>
<td>542</td>
<td>335</td>
<td>1</td>
<td>213</td>
</tr>
<tr>
<td>criminal offences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1530</strong></td>
<td><strong>745</strong></td>
<td><strong>6</strong></td>
<td><strong>328</strong></td>
</tr>
</tbody>
</table>

**B. Data from the Prosecutor's offices of Brčko district of Bosnia and Herzegovina**

From the data that we received from the Prosecutor’s office of the Brčko District, it can be seen that the prosecutor’s office, during the period of analysis, led an investigation for a corruption related criminal act, more specifically ‘Abuse of office’, as defined in the article 377 of Criminal Law of Brčko District. Upon the conclusion of the investigation for the mentioned criminal act charges were brought, and it was concluded by legally valid verdict of guilty.
C. Data from the Republic Prosecutor’s office of Republic of Srpska

According to the data submitted by Republic Prosecutor’s office of Republic of Srpska it was not possible to unify the data for the whole period of the analysis since the data for the period from 2000 till 2002 were submitted uniformly in accordance with the criteria requested, and they can be used in the analysis, whereas the data for 2003 and 2004 cannot be used, due to the fact that they refer to collective recapitulation of investigations that were not concluded or charges without a verdict in relation to criminal offences from the earlier period.

In the period from 2000 till 2002 the Republic Prosecutor’s office of Republic of Srpska has received 1697 reports on the committed corruption related criminal offences, while in that same period 787 charges were brought.

Since it was not possible to see the number of launched investigations from the table submitted by the Prosecutor’s office of RS, it is not useful to compare the number of reports with the number of charges brought, since probably a certain number of charges were dropped because there were no bases for the investigations to be launched.
TABLE 10.: Table review of the number of corruption related criminal offences processed in the Republic Prosecutor's office of Republic of Srpska classified by years

<table>
<thead>
<tr>
<th>YEAR</th>
<th>REPORTS RECEIVED</th>
<th>CHARGES</th>
<th>LEGALLY VALID VERDICTS OF GUILTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>523</td>
<td>198</td>
<td>57</td>
</tr>
<tr>
<td>2001</td>
<td>651</td>
<td>345</td>
<td>179</td>
</tr>
<tr>
<td>2002</td>
<td>523</td>
<td>244</td>
<td>126</td>
</tr>
<tr>
<td>2003</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2004</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1697</td>
<td>787</td>
<td>362</td>
</tr>
</tbody>
</table>

From the Table 10 it can be seen that in the period of analysis on the basis of charges brought on the account of corruption related criminal offences 362 convicting verdicts that came into effect were made. Comparing this number with the number of charges it can be noticed that 46% of charges were concluded with convicting verdicts that came into effect.
### TABLE 11.: Review of the number of corruption related criminal offences processed in the Republic Prosecutor’s office of Republic of Srpska classified by qualification of act

<table>
<thead>
<tr>
<th>CLASSIFICATION OF ACT</th>
<th>REPORTS RECEIVED</th>
<th>CHARGES RAISED</th>
<th>LEGALLY VALID VERDICTS OF GUILTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive bribery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 351.</td>
<td>23</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Active bribery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 352.</td>
<td>14</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>Trading in influence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 353.</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Abuse of office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 347.</td>
<td>357</td>
<td>440</td>
<td>357</td>
</tr>
<tr>
<td>Other corruption</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>related criminal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>offences</td>
<td>129</td>
<td>187</td>
<td>138</td>
</tr>
<tr>
<td>TOTAL</td>
<td>523</td>
<td>651</td>
<td>523</td>
</tr>
</tbody>
</table>

Analysing the structure of criminal offences for the whole period it can be seen that the most often processed criminal act is the one of ‘Abuse of office’, as defined in the article 347. Criminal Law of RS, with the 68%. Passive bribery, as defined in the article 351. Criminal Law of RS is represented in the total number of reports received with 2,7%, Active bribery, as defined in the article 352. Criminal Law of RS with 2,5% and Trading in influence, defined in the article 353. Criminal Law of RS with 0,05%.

The further analysis of the data submitted for 2003 and 2004 allows us to assert that in these years corruption related criminal offences were also performed, but further analysis is impossible out of the reasons that have already been mentioned (Table 12.).
TABLE 12: Table review of the collective recapitulation of investigations that were not concluded or cases with judgement issued for the years 2003 and 2004

<table>
<thead>
<tr>
<th>TYPE OF CRIMINAL ACT</th>
<th>INVESTIGATIONS</th>
<th>CHARGES</th>
<th>VERDICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive bribery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 351.</td>
<td>6</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Active bribery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 352.</td>
<td>12</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Trading in in influence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 353.</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Abuse of office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 347.</td>
<td>144</td>
<td>124</td>
<td>93</td>
</tr>
<tr>
<td>Other corruption related criminal offences</td>
<td>55</td>
<td>43</td>
<td>53</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>217</td>
<td>174</td>
<td>166</td>
</tr>
</tbody>
</table>
Part IV
Survey on corruption in police
I. Methodological approach

The subject and the goal of this research, perception, opinions and attitudes of the citizens and police officers about the presence of corruption in society and especially in the police, has directed our efforts in three directions:

a) to make high quality set of instruments for data collection and to check its metric characteristics,
b) to secure appropriate samples, classified by size and structure of that verity,
c) to ensure, through complex procedures of rearranging and recoding of data, high-quality basis for application of multi-variant analysis.

A. Instruments and the methods of data collection

The basic methodological paradigm is of quantitative type since we thought (no matter how covered up the phenomenon of corruption is, on the one hand, and how the general opinion and conceptions about the past are general and fluid, on the other hand) that it is necessary to ‘measure’ these attitudes and opinions and to check the presence of perceptive experience with corruption in the behaviour of police officers in real and hypothetical situations. To this purpose, we have made two inquires which were responded to anonymously by respondents citizens and respondents coming from police branches.

When it comes to contents, the inquiries have covered the following common (for citizens and police officers) questions and scales:
1. Opinions and marks
   a) Opinion about the way in which the citizens most often attempt to bribe police officers.
   b) Opinion about the work of the competent police authorities on prevention of corruption.
   c) Statements on their personal and indirect experience when it comes to bribing of police officers.
   d) Evaluations of personal behaviour in the situations when they would have an opportunity to accept bribe (for breach of traffic regulations in city or on high-way).

2. Perception on the presence of bribe and corruption
   e) Scale of evaluation (modalities starting with no presence 1, to very significant presence 5) of bribery and corruption in particular areas of social work (15 items).
   f) Scale of evaluation of presence of corruption in particular parts of police organization (12 items).

3. Attitudes toward the tolerance/intolerance of corrupted behaviour of police officers
   g) Likert’s scale agreement/disagreement with the claims that tolerate/do not tolerate certain corrupted behaviours (modalities: I strongly agree, I agree, I do not agree nor disagree, I disagree, I disagree strongly) (13 items)
   h) Likert’s scale of agreement/disagreement with possible measures that are necessary to be conducted in order to suppress corruption in police (7 items).

4. General information and statements about sincerity and frankness of answers
   i) Gender and age data as well as educational level of respondents?
   j) Question: did you answer frankly and sincerely to all of the questions?
5. **Additional questions**
   k) Additional questions for the citizens were:
   - Have you ever communicated officially with the police and in which role
   - If you had to communicate with them, what was the attitude of the officer in question towards you?

   l) Additional questions for the police officers were:
   - Scale of motivational goals that police profession offers to him (10 claims)
   - Opinion about the role of police education (three questions).
   - Statements on police experience and origins.

   In our research draft we confront perceptions, opinions, attitudes on presence of bribe and corruption in police forces and we check how present is personal experience in corrupted situations in which respondents have found themselves directly or indirectly.

   **Predicting exogenous** variables whose influence will be checked include entity belonging, gender, age, education, or length of service for the respondents coming from police forces. We will check primarily whether these sociological variables predict significantly behaviour in real and hypothetical corruptive situations which we treat as *mediatory* variables of regressive influence on perception of presence of corruption in society and in police (endogenous variables).
Hypothetical model of researching functional and causal relationships between citizens’ and police officers’ perceptions, opinion, attitudes about police corruption

**Criterial variables.** In this model we will specify the following levels:

- **a)** perception of presence of corruption in POLICE AND JUDICIARY,
- **b)** attitudes towards tolerance/intolerance of corruptive behaviour of police officers (compound variables from the answers to different claims that observe the same attitude),
- **c)** choice of certain measures necessary for suppression of corruption,
- **d)** special (specified) *conditioning* variables which stimulate perceptions, attitudes, and measures against corruption that represent personal experiences of citizens which they had acquired in their official contacts with police.

Through application of multi-variant techniques we will analyse structure of our scales (factor analysis – method of main components) and the tendency of homogenisation of
respondents in sub-sample of citizens and sub-sample of police (cluster analysis), and to determine significant differences in perceptions, opinions, attitudes and behaviour of citizens and police (discriminative analysis), and we will try to gain insight into grouping perceptions and attitudes in social services and police by the method of multidimensional scaling.

Multiple regression analysis (step wise procedure) should provide us with the answer to why and in which manner do certain characteristics of behaviour influence positive or negative perception of presence of corruption in police in general and in their certain services, and how much do these perceptions influence tolerant/ intolerant attitudes toward corruption and choice of milder or more severe measures of suppression of corruption.

Such a methodological approach of quantitative research of perception, opinions, and attitudes towards corruption and behaviour in corruptive situations, will ensure beside the description of public and police opinion about the corruption in society and police, a certain classification of citizens and police officers into relatively homogenous groups on the basis of their attitudes and behaviour in corrupted hypothetical and real life situations. This means that in a certain way explanatory goal would be achieved too, that is, it would be explained on the basis of which perceptions and attitudes about and towards the corruption in police forces are formed, and what and to which extent predicts these perceptions and attitudes.

We are aware that this approach cannot provide us with full insight which would be provided by indirect secret observations and detailed investigations of the phenomenon of corruption in police forces, but this approach will shows us without doubt the following things:

a) Do citizens consider corruption in police to be more or less present than in other professions in society?
b) To which extent are attitudes of tolerance present, that is, which categories of citizens and police officers have adopted the attitude of intolerance towards the corruption and the need for introduction of severe measures for its suppression in police?
c) What are the personal experiences of citizens and police officers when it comes to forms and manners of corruption?

The answers to these problem questions should provide us with good comprehension about what kind of social activities and measures should be taken in order to reduce the presence of corruption and towards which categories of citizens and police officers should intensive activities of recognition, discovering, proving and prevention of giving and taking bribe and other forms of corruption, be aimed at.
II. RESEARCH SAMPLE

A quota-stratified sample with two sub-samples of citizens and police officers was used in the research, because it was the only possible manner of conducting this research on the whole of the territory of Bosnia and Herzegovina. It is very difficult to ensure complete representativity of sample on the whole territory of Bosnia and Herzegovina, partly for the reasons of incomplete insight into population census, and partly since it is impossible to get complete insight because of the great migration flows. (As and example we will just mention a complete failure with the attempt to make a population census in Sarajevo and to collect adequate sociological data).

Stratification segments are controlled with regards to gender, age and education in both sub-samples with the goal of better representation of population relations.

Because of the initial nature of our research and the efforts to make high-quality set of instruments, we have provided probe sample consisting of 314 students of the IV year of Faculty of Criminal Justice Sciences, on whom we pre-tested the metric characteristics of our inquires.

A special problem and also extremely important for this type (criminological type) of research was how to increase the verity of our samples, that is exclude out of the data processing unreliable scales and unreliable respondents.

Pre-testing made it possible for us to check metric characteristics of sensitivity and consistency of the scales through personal statements of each of the respondents and the choice of evasive answers or omitting – not answering question about the sincerity of replies. Based on this we have corrected our research sub-samples, that is, we excluded from further
processing all individuals who have chosen evasive answers, or stated that they could not respond sincerely or omitted the answer to this question.

**Table 1**

*Review of answer to question ‘Have you answered sincerely to the question?’*

<table>
<thead>
<tr>
<th>MODALITY OF THE ANSWERS</th>
<th>STUDENTS</th>
<th>CITIZENS</th>
<th>POLICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>1. yes, I replied without restraint</td>
<td>293</td>
<td>93,3</td>
<td>894</td>
<td>93,3</td>
</tr>
<tr>
<td>2. partially, I could not reply to some of the questions because...</td>
<td>19</td>
<td>6,1</td>
<td>47</td>
<td>4,9</td>
</tr>
<tr>
<td>3. no, I was not sincere in all of the answers</td>
<td>1</td>
<td>0,3</td>
<td>1</td>
<td>0,1</td>
</tr>
<tr>
<td>no reply to this question</td>
<td>1</td>
<td>0,3</td>
<td>16</td>
<td>1,7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>314</strong></td>
<td><strong>100</strong></td>
<td><strong>958</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Chi square test of the significance of difference in answers of the sub-samples of citizens and police is \( x^2 = 15.7428 \) statistically significant on the probability level smaller than 0,05, which tells us that the respondents coming from police forces had chosen evasive answers much more often or omitted to answer to this question.
Therefore, in order to ensure the verity of the samples in our later analysis we used just the data of the respondents who have stated that they have answered frankly and sincerely to all of the questions.

Table 2
Corrected number of the sub-sample of citizens and police

<table>
<thead>
<tr>
<th>CATEGORIES</th>
<th>CITIZENS</th>
<th>POLICE OFFICERS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Federation of BiH</td>
<td>481</td>
<td>53,8</td>
<td>508</td>
</tr>
<tr>
<td>Republic of Srpska</td>
<td>357</td>
<td>39,9</td>
<td>198</td>
</tr>
<tr>
<td>Brčko District</td>
<td>56</td>
<td>6,3</td>
<td>36</td>
</tr>
<tr>
<td>TOTAL</td>
<td>894</td>
<td>100</td>
<td>742</td>
</tr>
</tbody>
</table>

With this corrected sample we can state that satisfactory verity, a very important element for criminological researches, was achieved, primarily through evasive answers of the personal statements, and that the differences in the size of the sample between the citizens and members of police forces can be ignored in the analysis of the results on the level of the whole sample.
The gender structure of our sample and sub-samples shows proportion in the population of citizens and police officers which demonstrates that the interviewers have ensured good stratification of the samples. Analysis of opinions, perceptions, and attitudes for certain sub-sample will show in this way the population relations and enable the generalization of our findings.
Arithmetical mean of the sub-sample of *citizens* is 36,16 with the standard deviation 13,30, and the arithmetical mean of the sub-sample of police is 35,80 with the standard deviation of 7,20. The F test of the significance of difference of arithmetical mean is 0,438, and it is not statistically of great importance. Therefore, the differences in age structure between the sample of citizens and police will not affect significantly the results, and our samples enable *generalization of findings to all citizens and members of police forces in Bosnia and Herzegovina.*
III. METRIC CHARACTERISTICS OF INSTRUMENTARS

All scientific researches must necessarily show critical attitude towards instruments and methods used in data collection. To this regards, we present the data on metric characteristics of reliability and validity of scales of evaluation of presence of corruption, and the scales of attitudes and choices when it comes to tolerance/intolerance towards corruption in police forces.

A. Reliability

Reliability is a characteristic of instruments that relates to accuracy of the results of measurements, and it refers not only to the inquiry but to the whole procedure of data collection (measurements) as well as to concrete respondents on whom the measurement has been performed.

Therefore, generally taken reliability can differentiate depending on the situations in which we perform research and respondents themselves, and especially on the quality of the construction of instruments of the research.

From the standpoint of our research it was very important to accomplish high reliability in order to ensure the necessary harmonization in predicting behaviours that follow perceptions and attitudes. Namely, the higher unreliability of the measuring instrument is, the more limited is the reliability of prognosis of particular behaviour in real situations. Reliability can be measured in various ways but we have chosen Crombach’s alpha and Guttman’s split half method as tests for checking reliability and we will apply them on all three sub-samples,
because in this way we will indirectly confirm the real level of reliability of our instruments.

Table 4
Review of the coefficient of reliability of particular scales

<table>
<thead>
<tr>
<th>Groups of variables</th>
<th>students</th>
<th>citizens</th>
<th>police</th>
<th>Citizens + police</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Cronbach alpha)</td>
<td>(Guttman split-half)</td>
<td>Cronbach alpha</td>
<td>Cronbach alpha</td>
</tr>
<tr>
<td>A. Perceptions of presence of corruption in society</td>
<td>0.7982</td>
<td>(0.7967)</td>
<td>0.8682</td>
<td>0.9407</td>
</tr>
<tr>
<td>B. Perceptions of presence of corruption in police services</td>
<td>0.8218</td>
<td>(0.7752)</td>
<td>0.8763</td>
<td>0.9410</td>
</tr>
<tr>
<td>C. Attitudes towards the tolerance/intolerance of the corruptive behaviour of police officers</td>
<td>0.7496</td>
<td>(0.7674)</td>
<td>0.7652</td>
<td>0.7419</td>
</tr>
<tr>
<td>D. Choice of measures for suppression of corruption</td>
<td>0.8082</td>
<td>(7737)</td>
<td>0.7786</td>
<td>0.7741</td>
</tr>
<tr>
<td>E. Behaviour in corruptive situations</td>
<td>0.6320</td>
<td>(0.5292)</td>
<td>0.5074</td>
<td>0.3782</td>
</tr>
</tbody>
</table>

The lowest level of reliability for rigorous psychological instruments (ability tests) is considered to be 0.70, whereas for questionnaires even lower levels of coefficients of reliability are tolerated. For that reason in this research we will accept the tolerant level of reliability at 0.60 of coefficient of reliability.

In research practice it is rare to encounter the coefficients of reliability that we have on the scales of perception, therefore it is safe to say that the presented data shows undoubtedly satisfactory reliability which is confirmed at all sub-samples of scales of attitudes and choices. Also, in the practice of reconstruction of instruments which will be done in the following researches of the Association of Criminalists in Bosnia and Herzegovina.

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157 Presented, that is accomplished reliability could be even enhanced by reconstruction of instruments which will be done in the following researches of the Association of Criminalists in Bosnia and Herzegovina.
sociological (and criminological) researches it is rare to see inquiries with such coefficients of reliability, especially having in mind present objective difficulties of determining samples, finding respondents and ensuring their answers to very sensitive questions in the inquiry.

The scales of perception, especially in the sample of police officers, have a very high reliability (above 0.90), which means that we can almost with complete certainty predict that the rank of grading and the grades given on presence of corruption in social activities and police services are a stable psychological category which is noticed by citizens – observed by police officers and seen by all of us as a part of our everyday social reality.

*We can conclude that the perceptions of corruption in social activities reflect the real relations in scale and the state of corruption. The differences between the perception of citizens and police officers which are evident, should be treated as an interval of evaluation of the level of corruption inside of which is hidden the real dimension of this phenomenon.*

**B. Validity**

Even though the definitions of validity of an instrument applied for measuring of a phenomenon and the characteristics in the area of socio-humanistic sciences is mostly of operational nature, it is necessary to differentiate between face validity, content validity, and construct validity

Face validity of our scales is based on their contents and the manner of measuring, while the content or factor validity will be checked by factor analysis of the group of claims that form the structure of a particular scale.

Construct validity is based on making conclusions about the subject of measurements by the generalization of the results of
factor analysis and by using the results of the item analysis that we will conduct by calculating the correlation connection between particular items and their compound variables.

Validity is a characteristic of a measuring instrument that shows that this instrument really measures that characteristic or phenomenon for which it was constructed. Since in the socio-humanistic sciences sphere indirect measuring with an unreliable measurer – man who conducts the research, is the most present one, it is hard to expect any high level of prognostic value. This is confirmed by the fact that psychological tests are also very rare, and especially those that had been created rigorously in accordance with psychometric demands (ability tests) that beside high diagnostic validity have a modest or barely satisfactory pragmatic value, that is prognostic value. (So, for example, Giselly and Brown by analysing the result between the correlation of the results of the tests and title find that the absolute majority of psychological tests of ability moves in the relation from 0,30 to 0,50 of the coefficient of correlation.)

Sociologically orientated researches, and a significant part of criminologist, do not discuss the validity of their instruments, and the account of their validity and reliability remains, as a rule, at the level of phenomenological testing.

With the desire to construct a high-quality diagnostically valuable and prognostically applicable instrument for the determination of the scale of the intensity of perception of corruption and the attitudes towards tolerance/intolerance of corruptive behaviour, we have applied the following factor analysis.

A) Factor analyses (main components method) 15 scales of evaluation of presence of perception of corruption in the fields of social work have shown that the citizens perceive four latent variables (main components) when it comes to presence of corruption in particular social activities.
1. main component PERCEPTION OF CORRUPTION IN ECONOMIC ACTIVITIES (civil engineering, industry, forestry, agriculture)

2. main component HEALTH CARE AND SCHOOLING (hospitals, health centres, high schools, faculties)

3. main component TRADE, JUDICIARY, POLICE (export trade, import trade, judiciary, police)

4. main components SOCIAL WELFARE AND PENSION FUNDS (pension funds, social insurance)

All these groupings of activities and common latent components of the perception of presence of corruption in social activities were obtained at all applied rotations of factors: (VARIMAX, QUARTIMAX, OBLIMIN) so we can conclude that in the perceptions of the citizens the corruption does not vary in economic areas, while in the public sector health care and schooling on the one hand, and the social welfare on the other, are perceived differently. Why is the corruption in judiciary and police placed in the same perceptive area with the trade cannot be explained by our analysis at this level of data processing.

If we would perform further researches of this type, it is safe to say that it should be studied separately, primarily by these types of grouped activities.

Police officers, unlike citizens, perceive the presence of corruption less differentially, in just two latent variables:
These evident differences in general perception of citizens and police indicate that police officers are less susceptible than citizens when it comes to corruption in non-agricultural activities, and they perceive primarily corruption in health care activities. So, this part of our set of instruments is not valid enough to notice differentiated perceptively experience relations of the representatives of police towards the presence of corruption. It is justified to assume that the first listed variables (so called marking variables) are connected to areas in which the police officers notice the most corruptive behaviour, and these are on the side of economy – civil engineering, and on the side of non-economy - health care

B) Factor analysis that was conducted at 11 scales of evaluation of presence of corruption in parts of police organization show that citizens perceive three following grouped areas of police work:
1. main component: senior staff and expert services, executives in cantonal Ministries of Internal Affairs, secret police, criminal police, traffic police on the highways)
2. main component: city patrol officers and traffic officers (patrol officers in the city and traffic police in cities)
3. main component: police administration (officers engaged in issuing register plates, officers working in the passport department)

In order to find the most appropriate rotation we have applied all existing procedures and we have determined that QUARTIMAX ROTATION gives the most interpretable common dimensions of the general perceptions of the citizens about the issue of which areas of police forces are corrupted to the greatest extent.

So, to this respect set of instrument should be developed in order to understand if and to what extent is this perceptive experience image of the corruption is indeed realistic, or is it result of general prejudices that management by the nature of things must be the most corrupted part (as in popular proverb that the fish begins to stink from the head). It is interesting that police, when it comes to presence of corruption in their own structures, does not have differentiated common variables, but just one main component which is characterized by the order of significance of the following variables: 1. secret police, 2. executives in police stations, 3. executives of cantonal Ministries of Internal Affairs, 4. executives at the entity level, and with a smaller correlation with the main component appear the other police services.

These findings, from the validity standpoint, are very valuable indicator of differentiation perception and ranking the significance of these perceptions compared to particular parts of police organization. We can emphasize that from the social and
research viewpoint the result that police officers keep emphasizing the corruption of management which is followed by the general perceptions of the citizens, is undoubtedly intriguing. Therefore, in our opinion, this ‘pointing a finger’ at the corruption of management in police cannot be treated just as a result of a general prejudice and rationalization of the lower police structures of parts of citizens’ structure, but that this tendency has its basis at the observation of reality of behaviour in corruptive situations and possibilities for corruption.

D) *Factor analysis* of the scales of determination, according to possible measures for suppression of corruption proved to be very valid.

C) *Factor analysis* of the scales of attitudes towards tolerance/intolerance of corruption in the police (Likert’s type of scale of agreeing or disagreeing with the claims) has provided us with the following results.
### Table 5
Review of the result of the factor analysis of attitudes towards the corruption in police forces

<table>
<thead>
<tr>
<th>Coefficient of correlation with the factor (mark of variable)</th>
<th>Type of manifest variables</th>
<th>Coefficient of correlation with the factor (mark of variable)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. MAIN COMPONENT: TOLERANCE/INTOLERANCE OF CORRUPTIVE OPPORTUNITIES IN POLICE PROFESSION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.64512 (4)</td>
<td>It is completely acceptable for a police officer to use his position in order to obtain some personal goal regardless to its illegality</td>
<td>0.83018 (1)</td>
</tr>
<tr>
<td>0.63910 (2)</td>
<td>Yes, he uses his position if that helps his family</td>
<td>0.81541 (5)</td>
</tr>
<tr>
<td>0.61515 (1)</td>
<td>Yes, he uses his position for his personal interest if that does not endanger the general safety in the community</td>
<td>0.80706 (4)</td>
</tr>
<tr>
<td>0.75303 (5)</td>
<td>Yes, he uses his position to obtain some personal goal if his superior tolerates it</td>
<td>0.78132 (2)</td>
</tr>
<tr>
<td><strong>II. MAIN COMPONENT: TOLERANCE/INTOLERANCE OF THE BORDERS OF CORRUPTION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.77945 (13)</td>
<td>If a weak and inexperienced police officer feels the need to return a favour to somebody who offers him a sign of attention, it is better for him not to take any gifts</td>
<td>0.61922 (13)</td>
</tr>
<tr>
<td>0.64410 (7)</td>
<td>It is precisely these small presents or favours obtained for free that represent a burden for normal work in the community</td>
<td>0.60878 (10)</td>
</tr>
<tr>
<td>0.59871 (10)</td>
<td>Police officer can judge on his own what is a sign of attention and what is an attempt of bribery</td>
<td>0.55790 (7)</td>
</tr>
<tr>
<td>0.53296 (12)</td>
<td>Many police officers do not become dependent on services such as free meals or car services, but sometimes some younger and inexperienced police officers fall into that trap</td>
<td>0.54854 (12)</td>
</tr>
<tr>
<td><strong>III. MAIN COMPONENT: TOLERANCE/INTOLERANCE OF CORRUPTIVE SITUATIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.76258 (8)</td>
<td>Police officer who refuses signs of attention from citizens in local community will be treated a distrustful person</td>
<td>0.74823 (8)</td>
</tr>
<tr>
<td>0.73815 (11)</td>
<td>Gifts, such as free meals and car services are insufficient to make a police officer dependent.</td>
<td>0.71104 (9)</td>
</tr>
<tr>
<td>0.6354 (9)</td>
<td>Gifts, such as free meals and car services for police officers, are present in BiH in such a measure that there is no reaction of society that can abolish them.</td>
<td>0.48936 (11)</td>
</tr>
</tbody>
</table>

VARIMAX ROTATION has shown that identical main components were found at both the sub-sample of citizens and the sub-sample of police. In this way, the factual validity of this scale is very satisfactory, since in the measurements of general perception of tolerance/intolerance it distinguishes between the corruptive opportunities and corruptive situations and the efforts to find a compromise regarding the border that differentiates between what cannot be tolerated and what can be tolerated in the corruptive behaviour of citizens and police officers. In this respect, notion that corruption of management at
all levels of organization hierarchy is emphasized so prominently, is quite important.

However, we should emphasize here that the stated claims, and agreement with them, do not represent the actual behaviour of neither police officers nor citizens, but they point out directly those socio-psychological dimensions that significantly satiate the consciousness about the possibility of corruption among police officers being very present (that the opportunities for corruption of police profession very present) and that it encounters significant approval and acceptance by both, citizens and police officers. It is justified to guess that those who agree strongly with the above mentioned claims, will be extremely tolerant to the phenomenon of corruption in police forces, and in society in general, while those who disagree strongly with particular claims and with the block of particular claims, will be extremely intolerant to any other form of bribery and corruption and small signs of attention that have become normal in our society.

It is another issue what is tolerant and intolerant corruption, and it is reflected in personal comprehension of the border after which the signs of attention and bribe turn into corruption. It seems that in our society it is generally accepted that everything that is within the framework of police services can be use as a 'sign of attention' and it does not have to return the favour!!

But, does this really work like this could be answered by some other researches in which it would be much better defined what do signs of attention or sums of money imply which confirm the knowledge that they are corrupted (in the case of police officers) or that they are corrupting (in the case of citizens.)

D) Factor analysis of the scales of determination of possible and necessary measures for suppression of corruption has shown to be a valid measure that differentiates between those
who advocate severe measures and comprehensive measures for suppression of corruption and those who find justifications and believe that these measures are not necessary, or believe that they cannot contribute to the suppression of corruption in society.

Our factor analysis has shown just one main component and the structure of this component is somewhat different in the sample of police officers and in the sample of citizens. Namely, the citizens emphasize that an important measure would primarily be publishing instructions regarding the reporting the cases of corruption in police stations or local communities. The last measure that the citizens consider to be relevant is making a raise in police salaries, even though they are much more tolerant when it comes to paying for overtime work of police officers, and they put this claim at the second place on the scale of importance. On the other hand, police officers consider the measure of strict punishment of citizens who try to bribe them, less important then the citizens themselves, which was not expected.

So all of the scales saturate one composite scale that starts from zero point of non-suppression of corruption by no measures to point five of significant efforts to suppress corruption with all available means.

Generally we can conclude that our set of instruments has shown satisfactory reliability and validity of the scales applied which was contributed greatly by not just the constructional relevance but also by the expressed responsibility of the interviewer and the sincerity of the answers of the respondents, both citizens and police officers. This demonstrates that we can have a high level of credence in the findings of this research, and that the results can generalise to the whole population of citizens and police officers in entirety.
IV. UNIVARIANT ANALYSIS

A. Citizen communication with the police

Since the citizens were giving answers to question related to the activities police was conducting in order to suppress corruption, it was important to test if, how often, and in which role did the citizens communicate with the police, and in which manner do the citizens evaluate the behaviour of police officers during the communication.

It is highly important to notice that out of 10 respondents, 9 have communicated with the police for any of the reasons. As it was expected, the largest number of citizens had communicated with the police in the role of source of information about an event, that is, as an ear witness or as an eyewitness. It is equally important that almost half of the respondents had communicated with the police in the role of a offenders, and that the sampling included also the respondents who have had contact with the police in the role of a victim (15,9%) or suspected perpetrators of a criminal act (3,1%).
Graph 1.

To the question about the evaluation of the behaviour of police officers during communication, barely a half of the citizens (48.2%) indicated that police officers were polite and decent with the possibility of a slightly more polite approach. The information that each fifth citizen (20.7%) stated that police officers during the communication did not act professionally or were needlessly rude or tried to humiliate citizens, is disturbing.
B. Personal or known experiences of citizens related to bribing police officers

Apart from sincerity in responses, it was highly important to discover to what extent do citizens of Bosnia and Herzegovina base their attitudes about police and the corruption in police forces on the grounds of their own experience, and to what extent they base them on what they heard from the others or saw the act of bribing of a police officer. The research has shown that almost half of the citizens of Bosnia and Herzegovina base their attitude towards corruption in police forces on the bases of them hearing about or seeing somebody else bribing a police officer. About one fourth of the citizens admitted that they themselves have bribed a police officer. Just one
fourth of the respondents has never bribed a police officer or known anybody who has been in such a situation.

Table 7

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have never bribed a police officer nor do I know anyone who has been in a similar situation</td>
<td>307</td>
<td>24,1</td>
<td>24,2</td>
<td>24,2</td>
</tr>
<tr>
<td>I have never personally bribed a police officer, but I know a person who has done it</td>
<td>602</td>
<td>47,3</td>
<td>47,5</td>
<td>71,7</td>
</tr>
<tr>
<td>Others advised me to bribe a police officer but I refused to do it</td>
<td>54</td>
<td>4,2</td>
<td>4,3</td>
<td>76,0</td>
</tr>
<tr>
<td>Yes, I had to bribe a police officer</td>
<td>105</td>
<td>8,3</td>
<td>8,3</td>
<td>84,3</td>
</tr>
<tr>
<td>Yes, I had to bribe a police officer and I have heard about others doing the same thing</td>
<td>199</td>
<td>15,6</td>
<td>15,7</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>1267</td>
<td>99,6</td>
<td>100,0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>5</td>
<td></td>
<td></td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>1272</td>
<td>100,0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. Citizen opinions about the forms of corruption that must be reported by the police

The results of the research show that majority of the citizens are quite aware that the police officers are required to report on all the acts of corruption initiative conducted by citizens. Six out of ten citizens of Bosnia and Herzegovina advocate this opinion. However, it is worrying that four other citizens (out of referent ten) have a tolerant attitude towards behaviour that is in fact corruptive. Citizens justify this attitude by their belief that these sums are not significant, or because it is the matter of a particular type of offender, or simply because they believe that police is an authority and therefore can decide what to report and what not to report..

Table 8.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absolutely all attempts</td>
<td>788</td>
<td>61,9</td>
<td>62,0</td>
<td>62,0</td>
</tr>
<tr>
<td>Every insolent or exaggerated searching of connections, counter favours and money</td>
<td>214</td>
<td>16,8</td>
<td>16,9</td>
<td>78,9</td>
</tr>
<tr>
<td>Every offer of greater sums of money or heavy forms of corruption</td>
<td>160</td>
<td>12,6</td>
<td>12,6</td>
<td>91,5</td>
</tr>
<tr>
<td>It depends who is it</td>
<td>55</td>
<td>4,3</td>
<td>4,3</td>
<td>95,8</td>
</tr>
<tr>
<td>They are the authority and they do not have to report anything if they do not want to</td>
<td>53</td>
<td>4,2</td>
<td>4,2</td>
<td>100,0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1270</td>
<td>99,8</td>
<td>100,0</td>
<td></td>
</tr>
<tr>
<td><strong>Missing System</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1272</td>
<td>100,0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
D. Police profession as a tradition on family or household

Since very often certain professions are a part of a tradition of a family or a household, the researchers were interested to check if this was the case also with the police profession. Apart from tradition, comprehension of these results was important also for making conclusions about their connection with their motivation for choosing police profession, experience in bribery and attitudes about relevant variables. Beside this, this could also be an indicator of nepotism in police forces.

In the chosen sample it has been discovered that more than a fourth of police officers who participated in the research (25,7%) in BiH (24,9% in FBiH, 29,7% in RS, 16,3% in BDBiH) have, or have had a closer member of family or household who works or had worked in the police. If we interpret this data as a fact that the police forces of BiH currently employ one fourth of police officers who are or were related to other members of police forces, than this result must attract our attention. It must attract our attention first of all because the corruption behaviour is hard to discover, and the mentioned family relations (personified into the so called ‘law of silence’) can additionally hinder the process of discovery, reporting and proving corruption behaviour.

E. Police officers’ working experience and the opinion about police profession

When it comes to working experience, it is important to ascertain that 89,4% (N=819) have been working in police for longer than three years, which tells us that these are already experienced police officers. On the other hand, more than three quarters (76,3%) of the respondents did not work in police forces during the war in BiH (1992-1995) out of which we can conclude
that these police officers have obtained their education and experience in the so called process of democratization of police forces in BiH.

When they were asked to compare the ‘degree of difficulty’ of police job today compared to earlier years, 9 out of 10 respondents replied that today it is much more difficult than before.

Table 9.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Today it is much more difficult to be a police officer than it was before</td>
<td>747</td>
<td>90,1</td>
<td>90,5</td>
<td>90,5</td>
</tr>
<tr>
<td>Today it is much easier to be a police officer than it was before</td>
<td>22</td>
<td>2,7</td>
<td>2,7</td>
<td>93,2</td>
</tr>
<tr>
<td>It is the same as in previous years</td>
<td>31</td>
<td>3,7</td>
<td>3,8</td>
<td>97,0</td>
</tr>
<tr>
<td>I do not know</td>
<td>25</td>
<td>3,0</td>
<td>3,0</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>825</td>
<td>99,5</td>
<td>100,0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>4</td>
<td>0,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>829</td>
<td>100,0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

F. Education

Starting with the importance of appropriate education for the opposition to any kind of criminality, including corruption, it is interesting to inquire where did the respondents learn that the position of police officer must not be abused for personal gain, and if they consider that their knowledge is enough for the everyday work and facing the problems ‘on the street’.
Related to this, it is interesting to notice that just alarming 8% (N=739) has learnt this rule from their colleagues or their superiors, and only every fifth police officer states that he has learnt this at the police academy, course or some other form of training for police officers. There is no doubt that the consciousness about not using their positions for personal interests should also be emphasized during the training, but it would be wrong to believe and expect that the training is the main ‘source’ of integrity of police officers. Therefore, the information that almost three quarters of respondents have stated that it is a part of family upbringing comes as a pleasant surprise.

**Table 10.**
**Attitude that police officer’s position must not be abused in order to achieve personal gain, respondent has learnt:**

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the teachers at the academy (or during another form of education)</td>
<td>148</td>
<td>19,9</td>
<td>20,0</td>
<td>20,0</td>
</tr>
<tr>
<td>From their superiors</td>
<td>36</td>
<td>4,9</td>
<td>4,9</td>
<td>24,9</td>
</tr>
<tr>
<td>From the older colleagues</td>
<td>23</td>
<td>3,1</td>
<td>3,1</td>
<td>28,0</td>
</tr>
<tr>
<td>It's a part of family upbringing</td>
<td>525</td>
<td>70,8</td>
<td>71,0</td>
<td>99,1</td>
</tr>
<tr>
<td>I never had an opportunity to hear about this</td>
<td>7</td>
<td>.9</td>
<td>.9</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>739</td>
<td>99,6</td>
<td>100,0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>3</td>
<td>.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>742</td>
<td>100,0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It is interesting to notice that the results show that the total of 65% of police officers considers that the knowledge that they have acquired in the above mentioned ways was sufficient or
satisfactory to perform successfully the complex job of a police officer which everyday encounters many problems on the streets.

G. Personal or known experiences of police officers related to bribe

Asked about their personal experiences with accepting bribe, or about their colleagues’ experiences, a very small number (2.1%) of police officers (N=736) states that they had been in a position to accept bribe. Still, this is not surprising information because it could hardly be expected that the respondents would admit participation in criminal act of corruption. On the other hand, for understanding better the situation of the presence of corruption on police, the information that more than a half of respondents (51%) have stated that they know about the cases of corruption in police, or that they themselves have accepted bribes, is quite astounding.  

Since more than a half of respondents were familiar with cases of corruption in police, it is important to examine the ways of bribing police officials, who will for the reasons of the above mentioned fact have a functional value. More than a half of respondents (56%) believe that bribing is done with money, and more than one fifth of respondents believe that counter favour is the reason of illegal corruptive behaviour of police officials. Just a slightly more than one tenth of respondents (10.6%) believe

\footnote{The data acquired after the collapsing of the categories ‘I have never personally accepted bribe, but I know about the cases of corruption in police’, and ‘Others advised me to accept bribe’ into the category ‘I know about the cases of corruption in police’, and the categories ‘Yes, I had to accept bribe’ and ‘Yes, I had to accept bribe and I have heard about other colleagues accepting bribe’ into the category ‘I have accepted bribe’.}
that acquaintances and connections are the reason for corruptive behaviour.

**Table 11**
**Was the respondent ever in position to have accept bribe or wanted to accept bribe (or has he/she ever heard from his/her colleagues about such a situation)?**

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I have never been in such a situation, nor do I know anyone who has been in such a situation</td>
<td>360</td>
<td>48.5</td>
<td>48.9</td>
<td>48.9</td>
</tr>
<tr>
<td>I have never personally been in such a situation, but I know about the cases of corruption</td>
<td>329</td>
<td>44.3</td>
<td>44.7</td>
<td>93.6</td>
</tr>
<tr>
<td>I was advised by others to accept bribe</td>
<td>31</td>
<td>4.2</td>
<td>4.2</td>
<td>97.8</td>
</tr>
<tr>
<td>Yes, I had to accept bribe</td>
<td>4</td>
<td>.5</td>
<td>.5</td>
<td>98.4</td>
</tr>
<tr>
<td>Yes, I had to accept bribe and I heard about other colleagues accepting bribe</td>
<td>12</td>
<td>1.6</td>
<td>1.6</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>736</td>
<td>99.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td><strong>Missing System</strong></td>
<td>6</td>
<td>.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>742</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

H. Reaction upon discovering that a colleague has abused his/her position

It is interesting to notice that, out of 741 respondents, only 35% would report about this case to their superiors while the rest (65.0%) would not do that. It is very important to notice here
that, out of those who would not do that, almost every third officer (or 28,1%) does not know what would he do if he found out that one of his colleagues has abused his position with the goal of achieving personal gain. It is no less disturbing that more than one fifth (20,8%) of police officers has a very tolerant attitude towards the hypothetical illegal behaviour of their colleague, and that they would ignore the above mentioned behaviour because ‘it is their colleague’, or they would ‘go easy on him’. Just one fourth of police officers stated that they would not report their colleague to the superiors but that they would stop him on the spot.

**Table 12**

| Attitude of respondent of how would he/she act if he/she would find out that one of his/her colleagues is abusing his/her function as a police officer in order to achieve personal gain |
|---------------------------------|---------------|----------|---------|
| **Valid**                      | Frequency     | Percent  | Valid Percent | Cumulative Percent |
| I would report the case to our superiors | 260          | 35,0     | 35,1     | 35,1     |
| I would ignore it for the reasons of collegiality | 32           | 4,3      | 4,3      | 39,4     |
| I would personally try to stop him on the spot | 192          | 25,9     | 25,9     | 65,3     |
| I would ignore it the first time | 122          | 16,4     | 16,5     | 81,8     |
| I don’t know what I would do   | 135          | 18,2     | 18,2     | 100,0    |
| **Total**                      | 741          | 99,9     | 100,0    |          |
| **Missing**                    | 1            | ,1       |          |          |
V. BIVARIANT ANALYSIS

A. Inferential analysis

In the part of the analysis that deals with the inferential statistics it will be determined if there are any statistically significant differences, that is the associations between some categories of respondents regarding certain attitudes or perceptions, which would allow us to make some conclusions about the populations from which the samples were given.

First we will consider the relations between certain socio-demographic variables of gender, work experience of respondents, age, but also respondent’s belonging to an entity, that is, canton/region (part of Bosnia and Herzegovina in which the respondent is working) and police tradition in the family that existed before the war, with certain dependant variables of personal experience with bribery, motivation for work in police forces, evaluation of presence of corruption in certain segments of police organization, etc. It seems that this part of analysis can provide us with some interesting results, and show if there are differences in evaluations and attitudes of certain categories of respondents regarding the manner of bribery, regarding which part of police structure is more susceptible to bribery, which segment of police structure shows the greatest level of integrity, etc. (with all the limitations that are traditionally related to perception of a phenomenon). But, since the questions asked are often referred to respondent’s personal experience with bribery, rather than to his opinions regarding this or that, perceptive dimension of the phenomenon was exceeded to a great extent (in this manner as well), and a valid basis for statements about modalities, presence of corruption in police forces, etc. was given.
For the inferences in the sense mentioned above will be used $\chi^2$ (chi-square) test, which is often applied in quantitative analysis. Chi-square test is very practical, robust test, which is applied, in nonparametric statistics\(^{159}\), so it will represent the framework of the analysis in this part of the report.

After this bivariant correlation analysis (including partial one) will be used, and the results will be interpreted by some more complex analytical procedures.

1. Gender

Dependant variables which were analysed in relation to independent variable of gender are shown in the table (see Annex 2, Table 4). In the previous (descriptive) analysis it has been indicated that the police profession in Bosnia and Herzegovina is dominantly male profession, that is great majority of respondents are members of (physically) stronger sex. As it could have been assumed (in relation with the above mentioned fact), a statistically significant difference between the respondent’s of male and female gender in relation to corruption practice, i.e. it has been found that man are more inclined to accepting bribe.\(^{160}\)

\(^{159}\) In literature there are often disputes about whether Likert’s scales, which are used to the greatest extent in this research, can (and should) be characterised as exclusively ordinal, or interval as well. Which statistical tests will be used in the analysis depends on this question. Even though it seems more correct to consider them ordinal (since the interval between certain categories is arbitrary), it is often instructed that more complex procedures of processing are not applicable at these levels of measuring. (Hagan, 1993). However, in the attempt to achieve correct analysis, in the context of this research nonparametric tests were used which seem more appropriate for making conclusions about data collected.

\(^{160}\) Coefficient of contingency C is quite modest and it amounts to 0,147. The advantage of the coefficient of contingency, as a measure of association that
However, despite the previous findings, hypothetical situation in which a situation has been set up in which a colleague police officer abuses his position, discriminates male from female respondents since it has been found that the number of males that would report the case to their superiors, if they would find out that their colleague is abusing his position for his personal gain, is much greater. This indirectly confirms the thesis of ambivalent relationship of male police officers respondents towards corruption.

The respondents were also inquired about several other claims to which they were supposed to state their level of agreement or disagreement. These claims were directly testing the integrity of respondents – police officers. No significant differences were found between male and female respondents, that is, both male and female respondents were mostly disagreeing with the mentioned claims. There were no

was used in the analysis, is that it does not require a symmetrical distribution of variables. Its size can vary from 0 to 1, but it can never reach 1 (comp. Petz, 1997), because it depends on the number of columns and rows in the contingency table. Therefore, there where it was judged to be opportune, maximum values C for the table in analysis was indicated.

161 There are a number of statements that were singled out by previous factor analysis as variables that are in high correlation with components (factors) that explain to greatest extant the series of attitudes towards the integrity of respondents. In order to make this text clearer, they should be listed now, and in the further text, we will refer to them as 'attitudes towards tolerating/non tolerating corrupted behaviour of a police officer'. These are the following statements: 'If a weak an inexperienced police officer feels the duty of 'returning a favour' to somebody who offers him 'a small sign of gratitude', it would be better for him not to go into that adventure', 'Police officer who refuses the signs of attention from the citizens in a local community will be considered a distrustful person', and 'It is completely normal for a police officer to use his position in order to achieve a personal goal regardless the fact that the manner in which he is achieving this goal is illegal'.
significant differences found in the hypothetical situations of stopping violators of allowed speed or crossing through red light at semaphore.

No statistically significant difference was found between male and female respondents regarding the motivation of performing the police profession: namely, they equally perceive police profession as an opportunity to earn money and social status (they mostly disagree).162

Female respondents prevail mildly in evaluating presence of corruption in police forces as significant. The same goes for judiciary. Besides, they consider, more often than male respondents, that corruption among patrol officers is present in a significant measure, while the difference between male and female respondents, in relation to perception of presence of corruption among traffic police officers in the city or on highway was not determined.163 Female respondents were significantly

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162 Factorisation extracted the above-mentioned variables as the best ‘representatives’ of the motivation for being in police profession. Even though some other variables had been extracted, which correlated better individually with separate components, it is considered that better representative is the variable that is connected more loosely (is in a smaller correlation) with the other component (factor) in the analysis. The best scores in this sense were shown by exactly the two variables above mentioned.

163 Factor analysis extracted the above mentioned variables (perception of presence of corruption among managers in police stations, among mangers in cantonal [regional] MIAs and among managers at the level of entity MIAs) as the most important constituents of components (factors) in examination of the extension of corruption in particular areas of police structure. However, since the citizens are especially sensible when it comes to, so called, situational corruption (which they perhaps, precipitate the most), and since the police officers with whom they are in everyday contact are patrol officers, traffic police officer in city and highways, we have still, for the reasons of comprehensibility of the study and the emphasized role that the mentioned police structures have, decided to include them to at this level of analysis.
more inclined to evaluating corruption among managers in police stations as widely spread.

The following graph illustrates elaborated relations in a more evident manner.\textsuperscript{164}

\textbf{Graph 2. Graphic review of results of male and female respondents regarding the presence of corruption in police forces and judiciary}

\textsuperscript{164} Considering the fact that the variables were measured on ordinal level, an adequate measure of central tendency would be (apart from mode) median. Therefore, in graphic review we used box-plot which shows median, quartiles and extreme values (span) for the series of variables used in the analysis.
No significant differentiation was detected between male and female respondents regarding their opinion about the sufficiency of actions police forces are undertaking in order to suppress corruption, or measures that should be taken in order to decrease the presence of corruption in the police organization itself.

Therefore, we can conclude that men are more inclined to bribery, but they are also more inclined to report on a colleague in case he has abused his position. Women on the other hand, are more dissatisfied with the present situation in police organization and judiciary, and they believe corruption to be more significantly present in police forces and judiciary, than men. Women also believe that corruption among patrol officers and managers in police stations is present in a significant manner.

The listed differences have mostly functional value, while causative links (gender and appropriate depending variables) presented through the extent of lambda coefficient and Goodman-Kruskalov’s tau, were not found in any of the cases.

2. Age

The majority of the depending variables are not discriminatory criteria between the older and younger police officers respondents to these inquires.

\[165\] For the needs of this analysis at the level of inferential statistics ratio variable of the age of respondents (original values) was modified into categorical variable – age classified by classes. This is a standard procedure and it facilitates the interpretation of the results. Four classes were formed: respondents younger than 20, 20-29 years old.; 30-39 years old.; 40-49 years old.; and, 50 years old and older.
However, the oldest respondents in our research (50 years old and older) differentiate significantly from the others when it comes to motivation for being in police profession. Namely, they do not consider the police profession to be an opportunity to ensure social status and prestige.

The mentioned relations can be illustrated in the following manner:

**Graph 3. Age and motivation for being in police profession (police profession ensures social status and prestige)**

They are also the ones who are the least satisfied (by which they differentiate significantly from others) with the present work on the suppression of corruption in police structures. They are also set aside by the variable ‘measures to decrease the corruption within police forces’. Namely, they are the least optimistic regarding the advertisements on notice boards in police stations or local communities as successful in this context! This group of respondents also shows the highest level of integrity in the hypothetical situation of a driver passing through
the red light on the semaphore, and in our inquiry they ALL responded that they would never take the money in such a situation.

The mentioned findings lead us to a conclusion that the older police officers (50 years old and older) are more dissatisfied (when compared to their younger colleagues) with work and their position in police forces. They do not consider (probably on the basis of long-term experience) that police profession is an opportunity to gain an especially good status (material status or other). They also believe that the police should work harder on the suppression of corruption within their own structures, but according to them, that should not be conducted through instructions on notice boards of police stations or local communities.

The age does not predicationate any of the depending variables.

3. Differences in belonging to FBiH, RS or Brčko District BiH

Cross tabulations and chi-square test of entity belonging of respondents and personal experience with bribery have shown that here are not any statistically significant differences between the respondents coming from different entities or BD of BiH related to personal experience with the above mentioned phenomenon. Members of police forces are therefore, equally liable to corruptive practices in all areas of Bosnia and Herzegovina! Even the way in which this is conducted is no basis for differentiation in entities, or BD of BiH. Namely, no significant association between the perception of particular

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166 See Annex 2, Table 5.
modalities of bribery (money, connections, counter favours) and entity/BD belonging was not found.\textsuperscript{167}

And in the cases of finding out that their colleague has abused his position, most of police officers would act similarly.

Police officers from all parts of BiH were not more inclined to reporting on their colleague for abuse of his position, that is ‘go easy on him’. Considering also the previous findings, the attitude of police officers towards these socio-pathological and illegal phenomena in their own structures is disturbing. It would probably be exaggerated to talk about approval, but the tolerant attitude towards corruption is ‘virtue’ of contemporary police officers in Bosnia and Herzegovina. It seems that the law of silence, or ‘you scratch my back, I’ll scratch yours’, as a reflection of a special police subculture, is widely spread among members of police forces. However, maybe these findings are not surprising since in a similar research in Croatia (Kutnjak Ivković and Klockars, 1995), a great tolerance of non-ordinary and non-ethical behaviour between colleagues-police officers was discovered.

\textsuperscript{167} This could not have been interpreted as if there were no differences in extensions and forms of bribery in Federation of BiH, Republic of Srpska, or Brčko District of BiH. We are dealing here just with the respondents’ evaluations, based on perceptions, of the manner in which bribery takes place, without implying necessarily that the respondent himself has taken bribe, which on the other hand, could be taken as a valid basis for any type of inferences. But, since it is very hard to expect that the respondent (member of police forces), even if the inquiry is anonymous, would answer honestly that he has taken bribe, the perceptive basis (especially having in mind that the absolute majority of respondents is familiar with the cases of corruption in police, that is, he was offered bribe or he has taken bribe) is very good for this kind of reaching conclusions.
Can we then, in such a context, talk about the ‘Balkans syndrome’, or the ‘curse of southern states’ remains an open issue?\textsuperscript{168}

Seeing police profession as an opportunity to earn money, is an attitude that differentiates police officers coming from the different entities or Brčko District. Namely, it is more probable that police officers coming from the larger entity consider the police forces an opportunity to earn money (7.2 %) than the police officers in RS or Brčko District.

Graphically this could be shown in the following manner:

Graph 4. Motivation for being in police profession: police profession offers an opportunity of earning money

The other variable that regards motivational goals of being in police profession does not single out any of the categories of respondents. Opinion about the extension of corruption in police in general and in judiciary, differentiates the members of police forces in all territorially- administrative units in BiH. So, the extension of corruption in judiciary is evaluated as very significant, mostly by respondents coming from RS (47,8 %), while the evaluation of very significant extension of corruption in police forces is highly present by their colleagues from FBiH (20,3 %). There is no prevalence in the attitude of police officials towards the corruption of patrol officers, traffic police officers in city and on the highway, executives in police stations or executives at the level of cantons/regions and entities: respondents from all parts of BiH perceive the extension of corruption in the above mentioned areas in a more or less same way.

The analysis has shown that there is no significant difference between the respondents from FBiH, RS and BD BiH, regarding the attitudes towards the tolerance/intolerance of corrupted behaviour of police officers. But, a link has been found between belonging to an entity and non agreeing with the situation in which an inexperienced police officer feels the duty of returning a favour for small signs of attention, that is, the respondents from RS consider to a significantly greater extent that accepting small signs of attention from citizens does not implicate that the ‘giver of the present’ should be treated differently than the ones who did not offer such favours. On the other hand, the respondents from FBiH tend to tolerate corruption in the sense that they consider that refusing a present is an act of distrust.
Graph 5.
Graphical review of the evaluation of presence of corruption in police forces and judiciary (classified by entity/ BD BiH belonging of a respondent)

Hypothetical situations of stopping drivers who passed the crossroad while the red light was on or who violated the speed limit, to which the respondent in the inquire were ‘exposed’, are not a discrimination criteria between the respondents coming from entities or Brčko District. In other words, police officers from FBiH, RS, BD of BiH would act similarly if they would be offered money in exchange of turning a blind eye. The same goes for the attitude towards statements about the abuse of position.
Most police officers, independently of entity/BD BiH belonging, agree that social norms should be ignored and that position should be used for personal gain.

A significant difference has been found between the respondents from different parts of BiH and sufficiency of actions that police is conducting in order to suppress corruption. Police officers in RS are the ones who are more dissatisfied with the actions of discovering and suppressing corruption, and police officers from BD BiH grade these actions with highest grades. The measures that should be taken in order to make the fight against the corruption in police structures more successful are not discriminatory criteria between the respondents from BiH entities/BD BiH.

On the basis of this we can conclude that the respondents from FBiH have evaluated the corruption in police as widely spread and at the same time they perceive the police profession as an opportunity to earn money. The last statement was partially confirmed by one of the tests of integrity. Police officers coming from RS on the other hand, believe more than others that the corruption is widely spread in judiciary, and they are not satisfied with the activities police forces are conducting in order to suppress the corruption within the police organizations, and one of the tests of integrity shows that they consider, to a greater extent than others, accepting presents as normal thing that does not imply a special treatment of givers of presents.

However, these inferences have just a functional value, whereas a higher causative/predictive value, expressed through the height of lambda coefficients and Goodman-Kruskal’s tau, was not determined. In other words, we cannot, for example, claim that police officers coming from the larger entity in BiH are ‘more affected by corruption’ and that they use their positions ‘to earn money’. Analyses on this level show only the
differences or the associations between particular variables. A more significant, a more valuable analysis (like a regression one) would confirm/correct the above mentioned discoveries.

4. Differences concerning regional/cantonal affiliation

Personal experience with bribe-taking is a significant discrimination criterion between members of police forces in different cantons/regions of BIH. Research has shown that police officers from Canton 10-Livno (12.8 %) and police officers from Banja Luka (9.1%) are more likely to take bribe then their colleagues from other parts of BIH. However, due to the fact that such inferences are based on a small number of those who did admit to taking bribe (which is far less than the absolute majority), the conclusion does not have a significant functional value.

Connection between the specific form of bribe and the cantonal/regional affiliation has been established, therefore, the predominant opinion of the police officers from West Herzegovina Canton (76,9%) was that (in general) the police officers are most often bribed by money; police officers from Doboj region participating in the survey stated that reciprocal favour is the predominant activity (38,5 %) of the corruption alliance, and in the resulting materialization of the said alliance, while the most police officers from Bijeljina region (19 %), in the observed sample stated that pulling strings and acquaintanceships are the predominant forms of realization of corruptive practices.

169 This is a significant connection: C= 0,303. max. Value for the chart in the analysis is 0,812.
When asked about the extent of corruption in the judiciary and in the police, the respondent police officers expressed the following opinion: prevalent opinion regarding the presence of corruption in the judiciary, among police officers from Eastern Sarajevo region, is that it is “very significant”, and their colleagues from Zenica-Doboj Canton share the same opinion regarding the presence of corruption in police forces. A statistically significant difference in opinion regarding the extent of corruption within the police organization itself has been established between the respondents from different cantons and regions of BiH. Thus, the police officers from Sarajevo Canton expressed the opinion about the significant extent of corruption among their fellow traffic patrol officers. The next question referred to the perception of significant extent of corruption among the traffic police officers in the cities, and this question also statistically divided the respondents to a significant extent, with prevalence of police officers from Tuzla Canton, whereas the question about the extent of corruption in traffic police on motorways makes the police officers from Zenica-Doboj Canton stand out compared to the other respondents.

Motivation for performing police work significantly discriminates between the police officers in BIH: police officers from Trebinje region (compared to their colleagues from other parts of BIH) are more likely to see the police work as a good opportunity to make money. The other variable which relates to the motivation for performing police work is not a discrimination criterion between police officers from different regions/cantons of BIH.

Sufficiency of the existing efforts against corruptive practices or the measures that should be taken in order to improve this fight against corruption do not discriminate between police officers from different regions/cantons of BIH.

The highest level of tolerance concerning the abuse of office by their colleagues in service (they would ignore the fact that their colleague has committed an abuse of office) was demonstrated by
police officers from Eastern Sarajevo region (17, 5 %). Two out of three hypothetical situations (scenarios) do not discriminate between police officers in BIH: but, it was established that there is significantly higher percentage of police officers who regard taking bribe from citizens as a normal thing, which does not imply a special relationship with the people who give the gifts, in Central Bosnia Canton (20,8 %).\textsuperscript{170}

5. Differences between pre-war and post-war police officers

Considering police work an opportunity to make good money significantly discriminates between pre-war and post-war police officers in BIH. Thus, the pre-war police officers tend to consider police work in aforementioned way unlike the other respondents in the survey.

There are no significant differences between pre-war and after-war police officers concerning other characteristics.

6. Police work – family tradition?

Police work as a family tradition, namely the fact that a family member of a respondent was a police officer or worked with police, does not discriminate between respondents with regard to the personal experience of taking a bribe. Therefore, the „all in the family“ thesis, related to this aberrant behaviour in service, remains unsupported by this analysis.

\textsuperscript{170} The majority of the conducted analysis produced the results in which the value in more than 20% cell frequencies was less than 5. In such cases, conducting Fisher’s exact test, by which the findings were confirmed, is recommended (Hagan, op.cit.).
Motivation for serving with police force does not significantly discriminate the police officers whose family members were police officers as well.

The police officers who come from the families with „police tradition“ as well as those officers who do not, also do not differ regarding the attitude towards their colleagues who would commit the abuse of service for the purpose of the personal advancement. Majority of them would react adequately (they would either prevent them from committing the abuse or they would report the case), however a significant number of them would not „rush“ to prevent the colleagues from committing the abuse of service: 16, 3 % of police officers with the family tradition and 17, 9 % of officers without the family tradition would connived at the colleagues taking bribe „the first time it happens“. The opinion about not/tolerating the corruptive behaviour of the fellow police officers, statistically also does not significantly differentiates between the police officers whose family members were police officers as well and those police officers whose family members were not serving with police.

It was established that there are significantly more police officers who do have the police tradition in the family who agree with the statement that the police officer who refuses to accept a small gift from a citizen shall be considered an untrustworthy person.

Other variables do not significantly discriminate between the police officers with „police tradition“ and those who do not come from the families with the „police tradition“.

The facts that a member of respondents family was serving with police obviously does not discriminate between the police officers in BiH (exceptionally, significantly more respondents with „police tradition“ maintain that refusing to accept small gifts results in distrust within a local community). This level of analysis leads to the conclusion that „police
tradition” in the family is not a significant factor in explaining the corruptive practices (also confirmed by prediction coefficients lambda and tau).

Certainly, this issue shall be submitted to the more complex analysis procedures, thus it shall be either verified or refuted.

7. Work experience

The basic premise in this section is that those who have been serving with police longer, and are thus supposed to be more experienced, who are well acquainted with „how things work“, who know where to look for an „opportunity“ for personal advancement, and considering other predispositions (first and foremost those of ethical nature), represent a potential „weak link“ within police organizations. It is established by this research that there is a certain correlation\textsuperscript{171} between more years of service and the personal experience with taking bribe. This fact is worth mentioning, however, due to the previous observation that very few respondents admitted to taking bribe, it should be taken with a grain of salt.

The correlation between fewer years of service and perceiving the police work as an opportunity to make money and to secure social status and prestige of respondents was also established.

Hypothetical situations (running a red light and speeding) the respondents were submitted to do not discriminate between the police officers with more and less than three years of service. More police officers with fewer years of service think that corruption is wide-spread in the judiciary and the police, as well

\textsuperscript{171} The correlation is not significant. The corrected C is 0,125.
as in the segment of the police organization regulating traffic on motorways.

There are no significant differences between police officers with more and less years of service in police organization considering other characteristics.

The conducted analysis demonstrates that the police officers with fewer years of service (those who have been serving with police less than three years) are more pessimistic regarding the corruption in the police and the judiciary, and they think this negative phenomenon is wide-spread in aforementioned institutions. Considering that these are the officers with relatively fewer years of service, it appears that the „public opinion“ perception or the outsider perception of corruption, according to which all the public institutions, especially the judiciary and the police,\textsuperscript{172} are deviant, is the prevalent perception among them. At the same time, the police officers with fewer years of service represent the category of respondents that still expect to ensure better future for them by performing police work.

8. The comparison between citizens and police

In view of the fact that this research encompasses the attitudes, opinions and perception of the police officers themselves about the corruption within the police organization (it seems reasonable- nobody else can more adequately evaluate the extent of the phenomenon and its modalities, the modes of reacting to it, etc., but the police officers themselves, who experience/in other ways perceive the corruptive behaviours and

other similar behaviours), and considering that the nature of the phenomenon most often implies the so called corruption alliance, ergo the two sides in the corruption activities,\textsuperscript{173} it is justified to include the opinions of citizens on corruptive practices in police. Therefore, a series of chi-squared tests was created using as independent variable precisely respondents\textsuperscript{categories- citizens and police}.\textsuperscript{174}

Police officers and citizens offer significantly different responses to the questions asked. Thus, citizens and police differ in personal experience with corruptive practices. It can be assumed that the police officers, as employees in the institution which has a prominent „protective“ social role, will offer plausible responses.

24\% of citizens (on this level of analysis) admitted to giving bribe, versus only 2, 1\% of police officers, with a statistically significant difference. The personal experience (as we assumed) is obviously the discrimination criterion for establishing difference between these two categories of respondents.

Considering the perception of the extent of corruption in the judiciary and the police, the aforementioned respondent categories statistically differ significantly as well. As expected, more citizens think that the corruption is wide-spread in the judiciary and the police. This may not be a surprising piece of information, taking into account that the citizens evaluated the police and the judiciary as the third and the fourth most corrupted institutions in BiH in the Study of corruption perception 2004 conducted by Transparency International.

\textsuperscript{173} Of course, the two sides are the bribe-recipient and bribe-giver. However, it does not necessarily implies an alliance, or a „mirror effect“ (asking for bribe does not necessarily imply the the person who is asked for bribe does agree to give or vice versa). Comp. the segment on criminal-justice aspects of fighting corruption.

\textsuperscript{174} See Appendix 2, Table 6.
The opinion about the extent of corruption within individual segments of police organization is also a discrimination criterion between citizens and police respondents. Compared to police respondents, citizens are more likely to think that the corruption is wide-spread in all segments of police organization. However, it is (not) surprising that this difference is established in relation to all the segments of the police organization!\(^{175}\)

Obviously, citizens do not hold in high esteem the current state of public institutions, and this is manifested in the fact that they are significantly dissatisfied (in comparison to the police respondents) with the current police work in eradicating corruption.

The form of bribe is also a variable which differentiates between citizens and police. There has been established a connection between offering money, offering reciprocal favours, pulling strings and acquaintanceship (as modalities of corruptive practices) and the police officers respondents, and quite a significant one,\(^{176}\) namely, the police officers offered much more explicit responses in terms of wording the bribe requests (the most responses of the citizens were quite vague, as in „in some other way“). Even though the forms of bribe, as offered in the questionnaire, relate to the respondents’ perception, the fact that the absolute majority of respondents (police officers as well as citizens) are acquainted with the corruptive practices, gives these findings the functional value.

\(^{175}\) Therefore, starting with patrolemen, traffic police in cities and on motorways, to the Ministry of Internal Affairs’ commision for driving tests, police officers who work in passport deartments, etc.

\(^{176}\) C= 0, 475. Max. Value for the chart in the analysis is 0,707.
It is interesting that the police officers demonstrated a higher level of intolerance towards corruption in the segment of the analysis relating to their opinion about using the position they are filling. Significantly more police officers (74, 8%) strongly agree with the opinion that using the position may be considered a normal thing even though by doing so one may violate legal regulations. On this level of analysis it is impossible to tell whether this means that the citizens are resigned, therefore thinking that corruption is so wide-spread (even functional) that it is futile to fight it, or the police officers tended to offer socially plausible responses. In order to elaborate further on this
(functional) side of the relationship, two more variables are introduced on this level of analysis. Thus it was established that the citizens are more likely to consider offering gifts or free of charge services a natural thing that is a normal and regular phenomenon. If the research finding which shows that significantly more citizens think that the practice of giving bribe to police officers is so extensive that it can not be abolished by any reaction on the part of society is added to this, the previous premise about citizens being resigned would gain importance.

On the other hand, the refusal to take bribe as an expression of distrust significantly differentiates between the police officers and citizens: the police officers maintain, to a greater extent, that the refusal to accept gifts from citizens would create distrust and a gap between them and the local community.

Graph 7.

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177 Also stated in the aforementioned Study of Corruption Perception 2004 Transparency International BIH.
As previously stated, the citizens are significantly dissatisfied with the police work in eradicating corruption. However, the police officers participating in our survey offered significantly more positive evaluation of the promotion of the instruction manual for citizens, which explains how to proceed in the instances when bribing, or some other case that may be subsumed under bribing, takes place, as a successful measure against corruption within police ranks.

As far as the other measures that should be taken in order to reduce corruption within police organization, there is a significant difference between the categories of police officers and the citizens regarding the majority of the items offered. The respondents from the police ranks mostly support the measures that work for them, thus there is significantly higher percentage of police officers who endorse pay increase (91\%) as well as introducing the rulebook on additional pay for police overtime (no less than 93,1\%). They also maintain, to a greater extent than the citizens, that the strict punishment of the latter, in case they attempt to bribe a police officer, would be an efficient measure against corruption among their fellow police officers.

On the other hand, the citizens predominantly support the measures that police finds especially sensitive: recruiting new manpower (83, 1\%) and hiring more professional personnel (90, 8\%).\textsuperscript{178} It is intriguing that the both, tentatively said, „sides” justify taking a stand toward the measures offered for the

\textsuperscript{178} Namely, police officers are afraid of losing their jobs given the current reform of police forces in BiH, which is expected to result in rapid decrease in number of police officers. That may be the reason for their negative attitude (to a greater extent) towards these options. The other possible reason may be the well known fact that at the present moment the persons employed in police force of BiH do not have the adequate professional skills, either in terms of the type or the degree, therefore by proposing the measures favoured by the citizens the police officers would actually support having to obtain additional education, or additional skills, or being dismissed from service.
purpose of improving the current state of affairs. Therefore, the police officers are significantly more supportive of the measures that transfer the responsibility to „the other party“, thus stating that it is necessary to impose strict penalties on the citizens for attempted bribe. However, the citizens maintain that the higher level of professionalism of the police personnel as well as paying adequate attention to recruitment would produce results. That means that the citizens maintain, to a great extent, that there is a great number of incompetent police officers in BiH who choose the profession as a necessary evil or because it was a good opportunity to have a steady job. The picture is rounded once the previous finding, about citizens being significantly dissatisfied with police work in eradicating corruption, is added. Therefore, the conclusions presented here, that is the disapproval of the current state of affairs as well as recommending those measures that would have the undivided support of those for whose benefit the public administration exists and functions, should be taken into consideration in case a package of anticorruption measures is introduced if the support of the public is to be counted on.

Based on the previously stated findings, the citizens of BiH are very dissatisfied and pessimistic regarding the corruption in some of the most important state institutions, namely the police and the judiciary, that indeed symbolize the existence, functionality and integrity of the state. They think that the police and the judiciary are significantly corrupted, and the same evaluation applies to all segments of the police organization. Accordingly, the citizens of BiH are also more resigned about the issue of corruption, and more tolerant towards corruptive practices. They think, to a greater extent, that offering and accepting gifts is a normal and regular thing. Taking this into account, they think that bribing police officers is so extensive that it cannot be abolished by any reaction
on the part of society. They are also more “reserved” considering the measures that should be taken in order to reduce corruption within the police, thus, unlike the police officers, they are not of the opinion that the commonly available instructions for reporting corruption represent a successful reference for the fight against the abusive, corruptive practices within the police itself. They think that the society should pay closer attention to the professionalization of the police as well as adequate recruitment, that is to say introducing new forces into the institutions. In the light of the fact that any successful approach to eradicating corruption requires support of the elements of society, the public is impossible to neglect in this context. If the public support is to be counted on, closer attention should be paid to the competence of the existing forces, as well as to the adequate recruitment and achieving the higher level of professionalism of the senior police officers and other police officers. However, the caution, expressed by the police officers, that citizens are very much willing to offer bribe, should not be neglected, thus the anticorruption platform must also envisage certain mechanisms for educating citizens about corruption as a harmful and prohibited phenomenon.

Obviously, it is necessary that the police engages into more resolute, more transparent and more efficient fight against corruption, if the police strives to be perceived as an active force and a guardian of the values of society, that has satisfactory support of the public.180

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179 Similar results are presented by Transparency International, so, according to their analysis, more than half of the citizens think that all police officers or majority of police officers take part in corruptive activities; 20 % of the respondents think that corruption will always exist, meaning that it is difficult to fight it successfully.

180 More about the measure, see. in other segments of the study (eg. explanation analysis).
B. Bivariant correlation analysis – „Police on corruption within police“

For the set of the socio-psychological variables used to examine different orientations of police officers in terms of values regarding their attitude towards certain so-called „synthetic situations“ as well as certain sociologically relevant states, certain inter-correlations were established between the given variables. Pearson correlation coefficient (r), intended for measuring mutual correlation between variables, is applied to the variables between which certain inter-correlation was established. Value of the given (Pearson) correlation coefficient ranges from 0 (in case when there is no correlation between variables) to value 1 (which represents so called „absolute correlation“).

Like the previous analyses, this bivariant correlational analysis was evaluated by applying SPSS software, version 13, on the levels 0, 01 and 0, 05.

We will begin our analysis with the cases of the highest, absolute correlation, on the level 0, 05, established regarding the opinion that corruption is the most wide-spread among traffic patrolmen performing their duty on motorways and in cities. Namely, this correlation (r = 0,857) demonstrates that the police officers, as respondents, who think that corruption is prominent among traffic patrolmen performing duty on motorways, also think that that the corruption is prominent among the traffic patrolmen who perform their duty in the cities.

This correlation may merely reinforce the common sense conclusions, drawn from numerous media polls as well as from „the public objection of the citizens“ about intense corruption among traffic patrolmen in BiH.
However, we should not neglect the fact that the aforementioned result is not a result of a poll conducted among the general public. The respondents participating in the poll are actually members of the different organizational units of police forces in BiH. The aforementioned result should be considered more reliable than the well known perception of the public, because it is quite possible that the public form their judgment about corruption among traffic patrolmen based on the behaviour of traffic police officers, without differentiating between the two. (See. bellow)

The correlation on the level 0, 05, regarding opinions of police officers about corruption among traffic police officers and traffic patrolmen (either on motorways or in the cities), is equally significant, and statistically absolutely correlated and it comes to \( r = 0.702 \). More precisely, there is the absolute correlative connection in the responses (opinions) of police officers about corruption among traffic police officers and traffic patrolmen. Such opinion may be explained by frequent complaints of citizens about police work in which they criticize the activities of traffic patrolmen, on the level of local communities, who have (as certain citizens claim) turned themselves into a priori traffic police punishing „diligently“, by applying the strategy of so called „zero tolerance“, each traffic violation within the patrol sector, while, on the other hand, they pay less attention to the interventions in case a problem of „public order“ occurs. Thus, this absolute connection (correlation) is practically explicable.

The realistic opinion of police officers about the nature of their profession is demonstrated by the correlation between the two opinions, the first one being that it is „perfectly acceptable for a police officer to use his position for personal ends, provided that this does not jeopardize the general security in a community“, and the second opinion is that it is „perfectly acceptable for a police officer to use his position for personal
gain, provided that this does not include gaining profit“. This is the absolute correlation on the 0, 05 level, which comes to $r = 0.706$.

The connection (correlation) ($r = 0.600$), on the level 0,05, between the opinion of police officers that it is „perfectly acceptable for a police officer to use his position for personal gain, provided that, by doing so, he does not jeopardize the general security in a community“ and the other opinion of police officers that it is „perfectly acceptable for a police officer to use his position for personal gain in case he is helping his family and friends by doing so“ is also interesting and statistically significant.

The two aforementioned opinions affect the aetiology of the professional orientation in making a career choice, thus, such opinions should be compared to the motivational factors for doing police work. Namely, the said correlations do not correspond with the tendencies, in modern democratic societies, to make the police organization a „service for citizens“.

Somewhat slighter correlation ($r=0.586$ on the level 0, 05) is noted between the opinion of police officers that it is „perfectly acceptable for a police officer to use his position for personal gain in case he is helping his family or friends by doing so “and the opinion that it is „perfectly acceptable for a police officer to use his position for personal gain, provided that this does not include gaining profit“.

The aforementioned correlations demonstrate that some police officers think that it is allowed to use position for personal gain, provided that, by doing so, they do not jeopardize security in a community and provided that this does not include gaining profit, or in case he is helping his family and friends by doing so, and this represents a problem that should be the subject of a different and more extensive axiological analysis. We think that the said result is very valuable, and that the aforementioned
problem should be taken into account upon the process of recruitment of law enforcing officers in general, police officers included. In addition, after such result is established, the following question arises here: „Would the responses to the aforementioned questions be slightly different in case all members of police organizations in BIH were acquainted with the relevant professional code of ethics.‟

Somewhat slighter, however still significant connection is evident in correlations between opinions of police officers in BIH about the extent of corruption in BIH police forces and in the judiciary, and here we note a significant connection on the level 0,05, which comes to \( r = 0,613 \). It may be assumed that the opinion of the police officers definitely corresponds with the role of the police in the entire criminal procedure, in which the police is treated as a single body, but, still, as only one segment of so called „system of criminal justice“ or „repressive state apparatus“. Therefore, such opinion about deviations within two professions within the repressive state apparatus is hypothetically justified.

Significant connection on the level 0,05 and correlation that comes to \( r = 0,612 \) is noted among the opinions about corruption in police in general and corruption in traffic police on motorways, as well as in traffic police in the cities \( (r = 0,609) \).

Significant connection was established between the opinion that it is: „absolutely natural for people to have benevolent attitude towards police officers and this manifests in giving gifts or offering services free of charge“ and the opinions that it is:

„Perfectly acceptable for a police officer to use his position for personal gain in case he is helping his family or friends by doing so“ \( (r=0,523 \text{ on the level } 0,05) \);
“Perfectly acceptable for a police officer to use his position for personal gain regardless of the fact that it is illegal to use one’s position is such manner“ (r=0.467 on the level 0.05);

“Perfectly acceptable for a police officer to use his position for personal gain, provided that this does not include gaining profit“ (r=0.453 on the level 0.05);

“Perfectly acceptable for a police officer to use his position for personal gain, provided that this does not jeopardize the general security in a community“ (r=0.516 on the level 0.05).

Such connection may be practically shedding light on a big problem regarding the police in BIH. Namely, the media often address the issue of public trust in police and the issue of possible changes in „the philosophy of police activity“, on the level of local communities, that include a professional and educated police organization. However, the aforementioned correlations demonstrate that members of police force in BIH have entirely misunderstood „community policing“, because a great number of them consider accepting gifts from citizens to be a normal thing. At the same time, it seems that the police officer respondents do not differentiate between that which is their duty and that which is a reciprocal favour. All of this demonstrates that, in addition to introducing new strategies of police work in the last several years, the education of police forces in BIH should practically also include the components of education in the field of the professional deontology that would, in theory, „produce“ police officers who are aware of their role and the nature of their work in the 21st century societies, that is to say, the police officers who will educate the citizens about the fact that the gifts are unnecessary since the police work, done on behalf of citizens, is actually their duty, and, in ideal circumstances, also a pleasure.

The variable „work experience“, on the margin of statistical connection (r=0.418 on the level 0.05), in relation to the opinion about the extent of corruption in the police, as well as in relation to the
opinion about „corruption in traffic police in the cities“ (r=0,444 on the level 0,05), or in relation to the opinion about „the corruption in traffic police on motorways“ (r=0,468 on the level 0,05), which means that work experience does not play a significant role when it comes to the corruption perception of police officers. In other words, the police officers in BIH hold the aforementioned opinions regardless of their respective years in service with police.

Opinions about so called „motives for performing police work“ are of great significance for our research. Namely, there is a very slight or even no connection (correlation) whatsoever between the opinion that „the police work is a good opportunity to make good money“ and the opinion that „police work secures social status and prestige“(r=0,364 on the level 0, 05), „police work is an opportunity for adventure“(r=0,228 on the level 0, 05). On the basis of these results we can conclude that there is no significant connection between the motivational elements that play a role in predisposing an individual for the career choice in police forces of BIH, or help an individual make a career choice in police forces of BIH, or, at least, that kind of conclusion can be drawn from this research and the sample on which it was conducted.

At the conclusion of this bivariant analysis, we hypothesized that a possible „experiences with corruption “of the police officers may be an intervening variable that may „disturb“ the described relations. However, after we conducted analysis, using the identical methodological instrumentarium, in which „personal experience with corruption“ variable was used as the constant (PARTIAL ANALYSIS), the previously described relations were not disturbed. This guides to the conclusion that the police officer’s personal experience with corruption does not affect their opinions about corruption demonstrated in the processed questionnaire.
VI. CLASSIFICATION ANALYSIS

A. Introduction

The important objective of every more challenging scientific research is to give contribution not only to the description of the event, but also to its classification or typology of its forms and variations in most objective and thorough way. Quantitative paradigm of our research allows for application of complex methods, not only of factor but also of cluster analyses, making it possible through computations to find realities in homogeneous grouping of examinees, depending on their characteristics. Thus, as a difference from factor analyses which require latent common factors - main components based on characteristics that are mutually in greatest correlation, and minimally in correlation with other characteristics that satisfy other factors, cluster analysis determines which homogeneous groups exist within one sample of examinees, depending on the criterion of their homogenisation which by rule is related to certain characteristics of interest for the investigator.

Through application of cluster analysis on sub-sample of citizen and sub-sample of police officer, we established the following common groups in terms of perception of extent of corruption, positions about corruption and attitudes toward measures for suppression of corruption.
B. Classification of citizens and police officers according to their perceptions on the extent of police corruption

1. Classification of citizens according to their perceptions on the extent of police corruption

Cluster 1 \( N = 214 \) or 26% of citizens perceives that corruption is present to a larger extent with patrolmen and traffic police officers in cities, and partially present, while citizens do not perceive other police divisions as considerably corrupted.

Cluster 2 \( N = 205 \) or 25% of citizens also perceives presence of corruption with patrolmen and traffic police officers and citizens on the one hand, and at the level of entity Ministries of Internal Affairs on the other hand, and mostly in the departments for issuing of passports and license plates.

Cluster 3 \( N = 409 \) or 49% of citizens thinks that the extent of corruption is considerably high in all management structures, fundamental police authorities, except for the criminal police and traffic police officers on regional roads.

Therefore, one-half of citizens of BiH perceives metastasis of corruption in all parts of police organisation and this finding is alarming at a level of society as a whole as well as at organisational level.

2. Classification of police officers according to their perceptions on the extent of police corruption

How are groups of police officers homogenised in relation to the general perception of the extent of corruption among their own ranks, can be seen from the following results:
Cluster 1 N = 220 or 31% of police officers only perceives the extent of corruption as being moderate with patrolmen and traffic police officers in cities, while they perceive corruption at management levels as slight or none, except for the police officers working on the activities of passport issuance.

Cluster 2 N = 244 or 34% of police officers sees very pronounced corruption with traffic police in cities and in passport departments, while corruption is not very much present in other police departments, and its extent is much smaller among members of criminal police.

Cluster 3 N = 253 or 35% of police officers thinks that there is no corruption in any of the police departments (or that they are not familiar with its existence).

If we compare the data derived from clusters based on the perception of citizens about the extent of corruption in certain departments of police organisation, then these data get their valuable critical dimension. The part of citizens (1/4) similar to the police officers (1/3) perceive the presence of corruption only with patrolmen and traffic police officers in cities. However, one half of citizens thinks that corruption is to a large extent present among management bodies and people, and all other police departments, while only one third of police officers thinks that the extent of corruption is only moderate. We can allow ourselves the remark that raising of the “critical mass” of police officers who will support the anti-corruption programmes will obviously be a difficult task in the following period.
C. Typologization of citizens and police according to expressed attitudes about non/tolerance of police corruption

1. Typologization of citizens according to expressed attitudes about non/tolerance of police corruption

With 13 statements from Likert scale of agreement which we, by factorisation, structured into three main components and obtained that the most important component is non/tolerance of reasons for corruption, which explains the largest part of the total variant, then follows the second component of non/tolerance of corruption limit, and finally the third component on non/tolerance of corruption situations. Within these components, the main manifestation variables of certain attitudes have indicated the need to focus further research procedures on processing of results. That is the reason why in application of cluster analysis we followed the framework that resulted from factor analysis and established the following three clusters for citizen subsample:

1. **cluster N =231 or 28%**, because of the strong agreement with the possible reasons for acceptance of the bribe and corruption by the police officers, is put into the first factor-component dimension, and because of the contents of that dimension and centres of final cluster, we can call this homogenous group of citizens THE PESSIMISTS.

2. **cluster N = 277 or 28%** of citizens, because of the strong disagreement with any of the reasons or forms of corruption, which is placed above corruption limits, where even small sign of appreciation or gratis service are considered corruption, we will therefore call them THE OPTIMISTS.

3. **cluster N = 357 or 44%** expresses disagreement with the reasons of corruption and thinks that a distinction should be
made between “signs of appreciation” which became a common form of behaviour in BiH (free meals in restaurants, car service), which suggests the need to find limits of tolerable corruption behaviour. This cluster corresponds, by contents of its variable and centres of the final clusters, to the third component of non/tolerance of corruption situations. We therefore called this group of examinees THE REALISTS.

It can almost be said that we obtained normally distributed homogenisation of citizens in terms of their attitudes toward police corruption. The most dominant is the group that we marked as the realists who express their attitudes of tolerance toward “signs of appreciation” and possibilities of using gratis services and other influences of police profession on different non-financial benefits, but they strongly disagree with the reasons that justify situations of and possibilities for different forms of police corruption. As a summary, the groups of “realists” and “optimists” make absolute majority of citizens who would fully support possible and necessary measures for prevention of corruption in police and society. However, the reason for worry is the first cluster with 28% of examinees who are looking for and finding reasons that justify corruptive behaviour of police officers, and probably themselves. There is no doubt that they will be serious obstacle to introduction of any anti-corruption programme, which should reduce this negative phenomenon in the society of Bosnia and Herzegovina.

2. Typologization of police officers according to expressed attitudes about non/tolerance of police corruption

The attitudes of police officers have identically been structured, in terms of factors, into groups of variables like the ones obtained in the sub-sample of citizens. In accordance with
that, for the sub-sample of police officers, we also obtained the following clusters:

1. **cluster N = 159 or 20%** of police officers strongly disagrees with almost all reasons for corruption and thinks that police officer himself should make judgement about what is the allowed and what is disallowed corruption.

2. **cluster N = 317 or 40%** of police officers strongly disagrees with any of the reasons for justification of corruption, but they think that an experienced police officer can recognise corruption, and that sings of appreciation cannot make him dependent, although he is aware that such corruption, in the society of Bosnia and Herzegovina, is ineradicable because people perceive it with benignity.

3. **cluster N = 140 or 17%** of police officers are indifferent in their attitudes toward corruption and they mainly think that it is up to each individual whether they will trade in influence, and they think that this depends on the experience and character of the police officer himself. The experienced police officer will not give in or think that “signs of appreciation” can “make him” dependent on the person who gave him this “sign of appreciation” or some gratis service.

4. **cluster N = 182 or 23%** of police officers strongly disagrees with any reason for corruption and justification of corruptive behaviour, and they do not accept the opinion that depending on the police experience and character of an individual it is possible to cope with this phenomenon. “Signs of appreciation” and gratis services are for them problematic form and practice of corruption. They are against the tolerance limit for bribes, regardless of their form, because they in any case represent a large problem for normal work in the community.

Therefore, this homogenisation of police officers according to their attitudes about non/tolerance of corruption, indicates that
rigorous anti-corruption programme would only be supported by 23% (cluster 4) which is approx. 1/5 of police officers. The same percentage of police officers would be strongly against anti-corruption programmes (20% from cluster 1). The remaining 40% (cluster 2) is very tolerant toward gratis services and “signs of appreciation”, although generally they condemn justification of corruption, and think that those “signs of appreciation” can make inexperienced police officers dependent and make their normal work in the community difficult.

Therefore, possible orientation of anti-corruption programme toward gratis services will generally not be supported by absolute majority of police officers.

D. Tendencies to homogenization of police officers and citizens according to commitment to measures for fighting corruption

In terms of measures for fighting corruption, we have already seen from the factor analysis that police officers and citizens are not very much different in their commitment to the proposed measures, but they consider all of them as interrelated, and as one unique factor. That is the reason why we could have known that results of some clusters will not be very much mutually differentiated, which reduced the possibility of analysing the tendencies of homogenisation of examinees into certain groups which will be different in their preferences toward certain measures for fighting corruption.

As aiding homogenisation elements, we entered the analysis of the data about sex, age and personal experience with corruption, and only the element of “age” has shown the differentiating impact, and that is the reason why we named the obtained clusters after it.
1. Classification of police officers according to commitment to measures for fighting corruption

1. **cluster N = 332 or 42,5%** makes the **youngest group** of police officers (29 years of age - average) and this group prefers (in relation to the other two), as the first measure for fighting corruption, *raising of salaries for the police*, but they do not agree that it is necessary to make a new rulebook on additional payments for the overtime. Also, this group was sceptic toward the measure of strict punishment of citizens who are trying to bribe a police officer, and it is also critical toward posting of guidelines on bulletin boards of police stations and local community offices, which would explain how the citizens should act with regard to complaints about cases of corruption.

2. **cluster N = 115 or 14,7%** of police officers represents the **oldest group** of police officers (48 years of age - average). Police officers from this group most strongly agree (in relation to the other two groups) with the measure of *strict punishment of citizens* who are trying to bribe police officers, and they do not so strongly agree with strict application of control over police officers and application of sanctions for abuse of the official duty. This is possibly understandable considering their age, and probably longer experience in the reality of police profession.

3. **cluster N = 335 or 42,8%** are **middle aged** police officers. Police officers from this group most strongly agree with the necessary measure of salary raise, and they especially emphasize the need for the new rulebook on *additional payments for the overtime*. They do not think appropriate the measure of posting guidelines related to complaints about cases of corruption in the police (more than other two groups) and generally speaking they are the most critical group when other measures are in question.
Due to the fact that results of police officers’ answers about measures for fighting corruption are grouped in such a way that over 50% of them strongly agrees with all measures (especially with the salary raise - 72%), 20-30% of them agrees with the proposed measures and very small percentage chooses answers “I do not agree” (only 3-5%), the findings of our cluster analysis only conditionally indicate to the tendency of homogenisation of giving support to the measures, depending on the age of police officers.

Therefore, no categorical conclusions can be drawn, but just suggestions for further studying of adequacy of individual measures for the given time and place. In this matter, we think that until general anti-corruption programme is enacted, and until the start of its implementation, it will be very questionable to enact some rigorous anti-corruption programmes within the police itself. It is also very questionable whether corruption programme in small rural-urban areas and large cities and cantonal areas should be covered with the same identity and scope.

Opposite to that, in the sub-sample of citizens, we find four homogenous groups that are very much differentiated in terms of their attitudes toward special measures for fighting corruption.

2. Overview of homogenization tendencies among citizens relating to measures for fighting corruption

1. cluster N = 53 or 6% of citizens does not agree with or they are completely indifferent toward all proposed measures, and that is the reason why we call them “THE INDIFFERENT”.
2. **cluster N = 411 or 47%** of citizens who expressed the attitude of strong agreement with all proposed measures we called “THE INTERESTED”.

3. **cluster N = 271 or 31%** of citizens most strongly agrees with the measure of strict control of police officers and careful recruitment of staff for police service. At the same time they have more negative attitudes toward salary raise and additional payments for overtime work in police, and they do not accept punishing of citizens who are trying to bribe police officers. This is why we called them “THE CRITICAL”.

4. **cluster N = 144 or 16%** of citizens agrees with the need to introduce all measures, but they are strongly against strict application of control over police officers and application of sanctions for the abuse of the official duty. Because of their attitude and acceptance of the measures that shift the responsibility in the first place to objective reasons and police officers who corrupt, we called this homogenous group as “THE NON-CRITICAL”.

In terms of cluster analysis, it is still problematic to textually express names of certain clusters, so that they would in the best way reflect the contents of differences between each of the homogenous group of examinees. In our findings, we have chosen the terms of commitment in accordance with proposed measures and we think them adequate although they could have certain pejorative meaning. This is indirectly confirmed by the data that first cluster is mostly made of elderly citizens (63 years of age - average), the second cluster includes groups of youngest people (23 years of age - average), while other two clusters include groups of younger (37 years of age - average) and older (50 years of age - average) middle aged people.

In that sense, valuable comments that can be given about these findings are that absolute majority, 78%, (cluster 2 + 3) of citizens is very much interested in undertaking of
comprehensive measures for fighting corruption and implementing of strict control over corruptive behaviour of police officers, however, this same majority-group stresses caution with non-critical request for salary raise and additional payments for overtime, and introduction of sanctions toward citizens.

Our data also argue that all categories of citizens would support posting of guidelines related to complaints about cases of corruption in police.

E. Motivational determinants of corruption behaviour

The fact that some people are more dedicated and diligent than others may directly be related to their more responsible behaviour in the work they do. For that reason it was important to get an insight into motivational determinants of anti/corruption behaviour of police officers. I.e., it was necessary to identify the dominant determinants that determine their responsible and engaged relation towards work as a condition sine qua non for satisfactory performance of their tasks. It is justified to presuppose that in situation with objectively great exposure to bribery and corruption in form of offering favours and money by persons who violate traffic rules and prohibitions and by committers of criminal acts, almost every police officer, be it patrolman or executive, has been in a situation to accept or not accept the offered favours or money. Those police officers with motivationally neutral or negative relation to their profession probably easier decide to take or even ask for bribe getting in return the required and expected favour that usually consists of not writing the violation charge or writing it but for a violation much milder than the committed one.
Motivation is explained as readiness to do something and it is conditioned by appropriateness of that action in satisfying certain needs of an individual. A need in this sense denotes physiological or psychological lack that makes certain results attractive. Thus, motivation is approached as a process that we can illustrate in the following manner:

- Unsatisfied need
- Tension
- Impulses
- Requiring behavior
- Satisfying the need
- Decrease of tension

By following this fundamental motivational process we shall try to illustrate the elements of anti/corruption behaviour. Unsatisfied needs for money not fulfilled from regular salaries on the one side, and psychological wish for having and possessing more on the other, create tension (that grows as the frustrations grow). These tensions create impulses to use and develop such forms of behaviour that shall contribute to satisfaction of those needs, and later to the tension decrease. It is well known from criminal psychology that people decide to commit fraud and theft the more they are convinced that those actions (fraud or theft) shall not be punished, the more successful performance of those action is, the more times it is repeated and the more earning they get by theft or fraud (R. Katz).

Thus, the most critical moment for corruption for a police officer is in cases of exposure to opportunities and possibilities of first acceptance of bribe, when the favour must not be „returned“, or when favours belong to the discretion domain of the job he performs. Every situation that exposes a person to corruption creates a stronger impulse to accept, not only because the unsatisfied needs are larger, but because there is greater
encouragement from the environment or the tolerance of such behaviour exists, and because the person has easily performed the previous requirement or acceptance of bribe. The police officer profession includes plenty of such situations and opportunities, and the only obstacle is the level of developed internal locus of behaviour control of individual and high appreciation of one's profession, as well as the level of self-respect.

That is why it is important to determine the dominant reasons why police officers in our research have chosen their professions.

A number of theories of motivation\textsuperscript{181} are based on different psychological paradigms and we shall, for the need of our explanation, accept as our foundation the theory of three needs by Dr. D. Mc.Clelland (1961) and the reinforcement theory by F. Luthans and R. Kreitner (1984). These theories have their implications to the explanation of certain forms of behaviour and reasons why individuals chose police profession.\textsuperscript{182}

David Mc.Clelland and others think that there are three main reasons:

1. **Need for achievement** – impulse to be prominent in achievements in relation to a set of standards; aspiration for success.
2. **Need for power** – need to make others behave in a manner they would not behave in generally.
3. **Need for affiliation** – wish for friendly, close inter-human relations.


The reinforcement theory of F. Luthans and R. Kreitner (1984) is based on the behaviourist approach that proves that reinforcement conditions the behaviour. Reinforcement theorists think that the environment causes the behaviour and neglects the inner cognitive events. That what controls the behaviour is a set of reinforcers – any consequence that immediately follows the reaction and increases the probability of repetition of that behaviour. Thus, the reinforcement theory neglects the current state of the individual, and focuses exclusively on what happens to the person when he performs a certain action. There are a great number of researches that show that people will put more effort into their tasks when they are reinforced. Reinforcement has undoubtedly an important effect on work behaviour.

However, reinforcement is not an only explanation for differences in motivation of workers, and the bigger observability of an individual need also does not completely explain all the motivation variations of different people. For example, goals also affect the level of motivation for achievement, but also the level of partiality in relation to awards and expectations because employees do not work in an empty space. They compare themselves with other police officers and their possibilities of earning. For example, a young police officer considers the monthly pay in an appropriate KM amount very valuable achievement until the moment he realizes that his colleagues earn almost twice as much by applying different favours and receiving bribe for their corrupted behaviour. From that moment on the question does not focus on the absolute amount of the pay he receives but it focuses on that which he thinks would be just for him to receive for his work, and older colleagues who accept the corruptive dimension of their behaviour, direct him to realize that he is underestimated and that it would be normal and tolerant for him to ensure additional pay for himself. That is how the limit of tolerant corruption comes to existence and it seems that it is valid in almost all police systems in different countries and it is only a
question of amount that is considered tolerant for police corruption, and the manner of controlling and repressing such behaviour. The *Impartiality Theory* (R. P. Vecchio-a 1984) says that employees notice what they receive from the working situation (result) in comparison to what they invest (input) and than they compare their "input-output" ratio with the ratios of their relevant colleagues. If their ratio is equal to the ratios of relevant colleagues that they compare to, than it is considered that there is a state of impartiality. This referent category of colleagues is an important variable in the Impartiality Theory, and in our case it is certain that the referent other persons reinforce their need and affect the behaviour that follows the corruption law.

All of the three theories we think have their implications on explanation of certain forms of behaviour and reasons why individuals chose police profession and on different situations in which the reinforces act in order to make apparent their corruptive behaviour. The role of referent other persons – traffic police officer colleagues, patrolmen etc. - undoubtedly contributes to the fact that young police officers feel underestimated by the amount of their regular salaries and they start with the milder forms of bribery through accepting different offered favours and in the end they undoubtedly move towards the initial amount of money that some infringers or violators offer.

Generally speaking, motivation can be classified in either field of intrinsic motivation or field of extrinsic motivation. But both the first and the second type are based on satisfying certain types of needs and that is why we shall try to make operational the theory of three needs in the following scales that we have prepared in our questionnaire.

Namely, we have asked our respondents – police officers to answer the following question (question 2 in the police questionnaire):
"In your opinion, how important are the following statements that should represent your motive for performing the police work?"

<table>
<thead>
<tr>
<th>STATEMENTS</th>
<th>HIGH IMPORTANCE</th>
<th>MIDDLE IMPORTANCE</th>
<th>LITTLE IMPORTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Police work utilises my personal capabilities</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.2. Police work offers a chance for good earnings</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.3. Police work allows for creativity and originality</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.4. Police work ensures for me a certain social status and prestige</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.5. Police work offers more opportunity to work with people</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.6. Police work ensures stable and secure future</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.7. Police work is relatively without control of others</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.8. Police work offers chance for leadership</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.9. Police work offers chance for adventure</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2.10 Police work allows me to be of help to others</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

All police officers in our sample had to evaluate every one of these mentioned statements with one level of the proposed scale, using 0, 1 or 2 depending on how they evaluate the importance of particular statements relating to their commitment to police profession.
The following table shows the results of the complex answer analysis (factor analysis of main component methods) that point out to three main factors that are the basis of police officers motivation:

**Table 1**

**Overview of the results - answers to questions related to the importance of different statements that refer to motives for performing police work and the results of factorization:**

<table>
<thead>
<tr>
<th>Coefficient of correlation</th>
<th>Statement no.</th>
<th>Statement Formulation</th>
<th>High Importance %</th>
<th>Middle Importance %</th>
<th>Little Importance %</th>
<th>Total %</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FACTOR 1 UTILITARIAN MOTIVATION 27.6% of total V.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.72136</td>
<td>6)</td>
<td>Ensures stable and secure future</td>
<td>7.0</td>
<td>1.5</td>
<td>1.4</td>
<td>00.0</td>
<td>0.9</td>
</tr>
<tr>
<td>0.70461</td>
<td>2)</td>
<td>Offers chance for good earnings</td>
<td>0.4</td>
<td>7.5</td>
<td>6.1</td>
<td>00.0</td>
<td>0.50</td>
</tr>
<tr>
<td>0.68544</td>
<td>4)</td>
<td>Ensures social status and prestige for me</td>
<td>0.3</td>
<td>6.3</td>
<td>5.3</td>
<td>00.0</td>
<td>0.53</td>
</tr>
<tr>
<td><strong>FACTOR 2 ALTRUISTIC MOTIVATION 12.6% of total V.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.73612</td>
<td>10)</td>
<td>Allows a person to be of help to others</td>
<td>3.0</td>
<td>7.3</td>
<td>0.6</td>
<td>00.0</td>
<td>0.63</td>
</tr>
<tr>
<td>0.63143</td>
<td>5)</td>
<td>Offers more opportunity to work with people</td>
<td>1.0</td>
<td>2.7</td>
<td>0.3</td>
<td>00.0</td>
<td>0.55</td>
</tr>
<tr>
<td>0.57719</td>
<td>1)</td>
<td>Utilizes my personal capabilities</td>
<td>9.3</td>
<td>9.6</td>
<td>8.0</td>
<td>00.0</td>
<td>0.39</td>
</tr>
<tr>
<td><strong>FACTOR 3 COMPETITIVE MOTIVATION 10.5% of total V.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.72714</td>
<td>9)</td>
<td>Offers chance for adventure</td>
<td>0.9</td>
<td>4.8</td>
<td>9.3</td>
<td>00.0</td>
<td>0.37</td>
</tr>
<tr>
<td>0.62840</td>
<td>8)</td>
<td>Offers chance for leadership</td>
<td>0.4</td>
<td>5.6</td>
<td>8.9</td>
<td>00.0</td>
<td>0.46</td>
</tr>
</tbody>
</table>
First interesting result of factor analysis shows that two statements that associate with the individualistic aspiration (statement 7 “police work is relatively without control of others” and statement 3 “police work allows for creativity and originality”) did not connect to any factor, nor did they receive any significant importance assessment for the choice of police profession.

The data about the presence of certain assessment is expressed in percentages of decisions about importance of individual statements undoubtedly shows that the absolute majority of police officers in our sample possess the satisfactorily expressed altruistic motivation and that primarily in police profession the fact of being useful to others motivates people. Thus, 60% to 70% of police officers in our sample express very observable intrinsic motivation while individuals with utilitarian motivation who consider averagely important or very important the securing of stable and safe future in police profession and getting an opportunity for good pay we can treat as persons who are mostly extrinsically motivated. The remaining group of police officers primarily expresses the competitive motivation considering the police work a basis for satisfying some individual needs for proving oneself and for power.

Factor analysis discovers latent dimensions of motivation that we get from the coefficient of correlation that manifest variables have (statements) with an individual factor (that we, as a rule, mark as latent variable). These latent variables represent some kind of common foundations for this three-type motivation that we have here named altruistic, utilitarian and competitive.

It should be taken into account that previously determined reliability of these scales amounts to $\alpha = 0,6929$

Utilitarian motivation (factor 1 shows the biggest variation of results 27,6% of the total variance) may be treated exclusively as extrinsic motivation and denotes that choosing police profession is
related to ensuring the stable and secure future, and a chance for good earning, together with the appropriate social status and prestige, and in this sense it could be included it satisfying the need for achievement of certain social status in accordance to the definition of the theory of three needs.

*Altruistic motivation* (factor 2 shows 12, 6% of the total variance of results) that is declaratively expressed by the absolute majority of police officers undoubtedly has the character of intrinsic motivation and could be identified with satisfying the need for affiliation and work with people.

*Competitive motivation* (factor 3 that explains 10.5% of the total variance) could also be included into the need for power because that factor is saturated with statements related to the importance of opportunities in police profession for promotion (leadership) and the opportunity for adventure.

Generally, we can say that every other police officer (regardless to the difficult situation for employment in BiH) is primarily intrinsically motivated with the values of profession itself, and not the advantages it offers. It is at the same time a significant finding from the aspect of programming anticorruption activities, because they will effectively influence the decrease of corruption behaviour in accordance to the explanation of the reinforcement theory, that is based on the cognitive approach which says that intentions of an individual in governing his actions are formed and developed in a way that reinforcement acts and controls the behaviour. In accordance to that we can accept that situations of exposure to bribe as well as the general tolerance for the phenomenon of corruption and situations in which the corruption is evident in the work of colleagues and executives, reinforce the intentions to accept and express corruption behaviour and practice.
It is justified to presuppose that when those situations are eliminated or decreased, the intrinsically motivated police officers shall limit the risky behaviour and corruption practice.

In the opposite, the extrinsically utilitarian motivation of police officers that look mildly upon corruption as a normal advantage of their profession shall lead to making a decision that shall depend on the level of risk of losing their jobs because of such behaviour. Facing that alternative, they shall probably sophisticate their forms of „receiving and returning favours“, but that shall in the absolute amount decrease the occurrence of corruption in that measure in which, and until when, the measures of repression may realize their rational effect and bring social benefit for the community.

Third competitive group of police officers shall hardly remain indifferent to risking losing the profession that suits their life style and the model of aspirations that can and should be satisfied by the job they do. So, for them also, the anti corruption programs shall have effects because the loss would be much greater than the gain from corruption. But, we should not underestimate their readiness for risk (adventure) that is contained in the possible opportunity to gain a huge corruption amount or favourable benefits. If corruption behaviour so far has brought them additional noticeable earning, it is unlikely that they will easily give it up.

Maybe it would be good to include exactly those individuals as bearers of the operative segment of the anti corruption program which is a common practice in authoritarian organizations in crisis solving.
F. Classification of police officers based on dominant motivation and exposure to corruption

By applying the *cluster analysis* we have determined in an *objective way* the homogenous groups of police officers at the basis of *dominant professional motivation*, and the elements of behaviour in corruption related situations: personal experience with corruption, prior police work, age, projective behaviour in corruption situations.

All questioned police officers in our sample that have responded to all these questions have been classified into the following homogenous groups that are dominantly characterized by:

**Cluster 1** $N = 161$ or *29, 8%* characterized by oldest *age and work experience* in police service that they think offers *good pay and stable future*. It is very important to them that they work with people and that they can be useful to others. They undoubtedly represent the **most adapted police group**. They say that they have had a *personal experience when they had to (!!) receive a bribe and they have also heard that some other colleagues had to do the same thing*. It is interesting that they say that if they heard that one of their colleagues abuses his position in order to gain personal benefit, they would report it to their competent persons (!!). They *strongly disagree* with the statement that it is completely acceptable for a police officer to use his position for gaining some kind of personal goal or benefit for himself if that does not endanger the safety of others.

**Cluster 2** $N = 171$ or *25, 3%* police officers are characterized by *youngest age* and very marked *intrinsic motivation towards their work*. But beside the observable intrinsic motivation they are aware that police profession gives opportunities for earning and gaining status and promotion, and the true advantages can be
seen in the work with people and in the interesting work without the supervision of others. This is probably the most motivated group that says they have never received a bribe and they do not know anybody who was in a situation to be offered a bribe. But, if they found out that their colleagues are doing those things, they would ignore the fact because it is a colleague in question (!!). This group strongly disagrees with the statement that it is acceptable for a police officer to use his position for achieving personal benefit if that does not endanger the general safety.

Cluster 3 N = 208 or 30.2% with the average age of 33 years. Individuals from this group are not significantly motivated by anything to perform their work. Intrinsic values of the work itself mean little to them, and they do not consider very important the extrinsic factors. They say that they have never personally received bribe but they do know for cases of corruption in police. If they found out about their colleague abusing the position, first time they would shut their eyes, but would let him know that he should not repeat it. (!!!) This group strongly disagrees with the statement that it is acceptable for a police officer to use his position for gaining a personal goal if that does not endanger the general safety. It is justified to presuppose that anti corruption programs shall not find support with this group of police officers.

Cluster 4 N = 137 or 20.2% with the average age of 46 years is primarily extrinsically motivated with the possibility of good pay (??) and ensuring the social status that police profession offers, and primarily interesting for them is the fact that it is a work „without the supervision of others“ and work with other people. They say that they have had a personal experience when they had to take bribe and that they know that other colleagues do the same. In case they find out that a colleague is abusing his position they say they do not know what they would do, and in case that they are
in position as a traffic police officer they would ask for an amount that they estimated that the infringer can give them. They mostly agree that it is fully acceptable for a police officer to use his position for gaining some personal goal, and they do not even refer to the limit of some sort of expected corruption tolerance but they think that it depends on their opportunities, possibilities and estimation in a concrete case. This group probably represents most incorrigible part of corrupted police officers and they shall probably show biggest resistance to all anti corruption indications, and especially the implementation of the program.

Cluster analysis is characterized by formation of homogenous groups of respondents on the basis of characteristic manifest variables, characteristics or statements from the respondents. The tendency in accordance with the similarity of characteristics determines the classification of respondents so their classification has been done in an objective manner. In our research the sample of police officers is classified into four groups (clusters) out of which the fourth (N = 137 or 20,2%) and the third (N = 137 or 20,2%) groups are most inclined to corruption from the point of view of exposure and readiness. Thus, 50% of all police officers or every second member of police is in a potential position and real situation to have received or asked for bribe, and according to them it is considered acceptable for a police officer to use his position for achieving personal benefit if that does not endanger the general safety in the community.

That is why our general conclusion is that corruption in police is a very present phenomenon that urgently requires elaboration and realization of the anti corruption program.

The perceptions of the citizens, no matter how exaggeratedly negative on one side, and the already established models of police bribery as well as its forms of behaviour in asking for
bribe on the other, require *preventive action upon the whole police organization, and repressive action upon the parts of the organization pointed out by citizens’ and police officers themselves*. Those are primarily tasks of traffic police and police administration that offers services to citizens in the department for passport issuance and license plates, but also patrol officers’ activities. Such measures shall not be effective if the managing personnel does not accept them and does not limit the possibilities for certain civil structures to, by favours (catering, service, trade etc.), corrupt the operative and managing police personnel in their towns and cantons.

Also the percentage of young police officers who do not manage to stay away from „the practice of the street“ indicates the need for *specific educational programs* for realizing the educational and culturing influence on self-developing of defence mechanisms which the training programs so far have not offered (in the opinion of police officers themselves) in the sufficient scope and intensity.
VII. EXPLANATION ANALYSIS

A. Multiple regression analysis

Multiple regression analysis determines how many groups of some predictor variables predicts the variation of results on a certain criterion variable, and by step-wise procedure (gradually including individual predictor variables into the regression equation) determines the relative importance of the contribution to prediction of every newly included possible predictor.

In our research, it was particularly important to carry out that analysis and the procedure in order to determine whether and to what extent particular exogenous and mediator variables as predictors influence the variation of assessments and statements towards corruption. That is why we have decided to apply the following prediction and criterion variables.
Table 16
Multiple regression analysis of predictor variables to the assessment of the extent of corruption and attitudes towards corruption in police (criterion variables)

<table>
<thead>
<tr>
<th>PREDICTION VARIABLE</th>
<th>CRITERION VARIABLE</th>
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<tbody>
<tr>
<td>Overview of prediction of assessment of corruption extent in police</td>
<td>RAS-15 „Estimation of corruption extent in police“</td>
</tr>
<tr>
<td>1. ENTITY</td>
<td>R = 0,032NZ</td>
</tr>
<tr>
<td>2. AGE</td>
<td>R = 0,062NZ</td>
</tr>
<tr>
<td>3. SEX</td>
<td>R = 0,065NZ</td>
</tr>
<tr>
<td>4. Education A</td>
<td>R = 0,090NZ</td>
</tr>
<tr>
<td>5. Education B</td>
<td>R = 0,131f F = 2,580,025</td>
</tr>
<tr>
<td>6. Working experience in police</td>
<td>R = 0,276F = 10,133,000</td>
</tr>
<tr>
<td>7. Previous work in police</td>
<td>R = 0,283F = 9,127,000</td>
</tr>
<tr>
<td>8. Personal experience with corruption</td>
<td>R = 0,485F = 25,091,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PREDICTION VARIABLE</th>
<th>CRITERION VARIABLE</th>
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<tbody>
<tr>
<td>Overview of prediction of assessment of corruption extent in police</td>
<td>RAS-15 „Estimation of corruption extent in police“</td>
</tr>
<tr>
<td>1. ENTITY</td>
<td>R = 0,013NZ</td>
</tr>
<tr>
<td>2. AGE</td>
<td>R = 0,051NZ</td>
</tr>
<tr>
<td>3. SEX</td>
<td>R = 0,130F = 4,507,025</td>
</tr>
<tr>
<td>4. Education A</td>
<td>R = 0,202F = 8,302,000</td>
</tr>
<tr>
<td>5. Education B</td>
<td>R = 0,236F = 9,140,00</td>
</tr>
<tr>
<td>6. Working experience in police</td>
<td>R = 0,238NZ</td>
</tr>
<tr>
<td>7. Previous work in police</td>
<td>R = 0,243F = 8,073 ZN</td>
</tr>
<tr>
<td>8. Personal experience with corruption</td>
<td>R = 0,343F = 11,312</td>
</tr>
</tbody>
</table>
The received results prove that assessment of the extent of corruption in police given by police officers themselves is mostly influenced by the *personal experience* of those police officers who have been in situations in which they either had to or wanted to receive the bribe or who have heard that some of their colleagues have done that. (Question 8 in the Questionnaire for the police)

The initial significant regression influence is present in the variable that measures whether the police officers had a chance during their education to train the application of police authority through *practical trainings*. If they had that chance often the assessment of corruption extent in police is more negative, i.e. such individuals think that corruption in police has a significant extent.

Thus, in this we reach the threshold of *explanation* and insight into which endogenous variables significantly influence the perception of corruption of police officers and readiness to oppose that phenomenon in - house.

After the variable of the practical training the *work experience* (more than 3 years) also contributes to assessment of police corruption being more negative. Conditionally, influence on that trend also has the previous work in police before the war in BiH, but that represents an artefact that hides, in fact, the influence of larger police experience.

The strongest contribution to the negative assessment of the extent of corruption in police is given by the prediction mediator variable of personal experience with corruption, i.e. variation of results according to the following modalities of answers to the question: „Have you been in a situation in which you had to or wanted to accept a bribe (or have you heard that some of your colleagues have done that)? “:

a) I have never been, nor do I know anybody who has been in such situation
b) I have never been personally, but I know about such a case in police
c) Others have advised me to accept bribe
d) Yes, I had to accept bribe
e) Yes, I had to, and I heard from my colleagues that they had to do the same thing.

We have tried by this construction of answers to gain the biggest possible variation of results even though that is hard to expect in questioning this phenomenon because of its ethical dimensioning. However the fact that we have achieved multiple R of 0,485 that is a significant indicator of multiple correlation enables the observation of determination coefficient $R^2 = 0,235$ or 23,5% of common variation of predictor and the mentioned criterion variables, and we have, at the level of explanation analysis proven that personal experience of most police officers (who had it in relation to corruption) form their negative perception of extent of corruption degree in police services and among their members.

So on one side if there could be the implementation of the practical training in skills of application of police authorities also in the practice of real event and case analysis of different forms of corruptive behaviour that police officers are exposed to, it would probably lead to much more useful approaches to fighting corruption than the general lamenting about its extent and the impossibility of destroying it.

Other problem of explanation analysis is contained in the question whether, which, and how, individually or collectively, endogenous and mediator predictors affect the behaviour and reactions of police officers when they face the corruption situations?

We have kept the same predictor variables as in checking the prediction of assessment of extent of corruption in police, but we have determined the criterion variable with a question: "What would you do if you faced the corruptive behaviour of your colleague? ". With all necessary critical barriers that it is not actual behaviour, the results we received at the level of explanation of possible behaviour
(especially because of high identification at the group level among police officers) show that already the theoretically educated police officers, and especially policewomen, that have acquired the theoretical knowledge of police profession behave in a much more appropriate manner and with more responsibility towards corruption. With the years of experience the further contribution to such behaviour is small and only the personal experience with the phenomenon of corruption more significantly strengthens the readiness to behave more responsibly and to oppose the corruptive behaviour of their colleagues.

We deem these findings important for considerations about anti-corruption measures, and especially for creating the long term anti-corruption program that should necessarily be elaborated, accepted and passed for the police and other public sector services as an integral part of the general anti-corruption policy of the Bosnia and Herzegovina.
Annexes
Annex 1
Legislation analysed within the framework of the project „Overtly About Police and Corruption“

A. International, regional and bilateral agreements and conventions

- Dodatni protokol na Krivičnopravnu konvenciju Vijeća Evrope o korupciji, ETS 191.
- Građansko-pravna konvencija Vijeća Evrope o korupciji, ETS 174.
- Konvencija Ujedinjenih naroda protiv transnacionalnog organiziranog kriminala.
- Krivičnopravna konvencija Vijeća Evrope o korupciji, ETS 173.
- Protokol protiv krijumčarenja migrantata kopnenim, morskim i vazdušnim putem kojim se dopunjuje Konvencija Ujedinjenih naroda protiv transnacionalnog organiziranog kriminala.
- Protokol protiv nedozvoljene proizvodnje i trgovine vatrenim oružjem, njegovim dijelovima i komponentama i municijom, kojim se dopunjuje Konvencija Ujedinjenih naroda protiv transnacionalnog organiziranog kriminala.
- Protokol za sprečavanje, zaustavljanje i kažnjavanje trgovine ljudima, naročito ženama i djecom, kojim se dopunjuje Konvencija Ujedinjenih naroda protiv transnacionalnog organiziranog kriminala.
- Sporazum između Vlade Republike Bosne i Hercegovine i Vlade Republike Mađarske o saradnji po pitanjima borbe protiv terorizma, trgovine narkoticima i organizovanog kriminala.
• Sporazum o saradnji na prevenciji i borbi protiv prekograničnog kriminala sa poveljom o osnivanju i radu Regionalog centra jugoistočne evropske inicijative- SECI- (SECI centar)- za borbu protiv prekograničnog kriminala.
• Sporazum o saradnji u borbi protiv međunarodnog terorizma, nezakonite trgovine opoonim drogama i psihotropnim supstancama i organiziranog kriminala između Vijeća ministara Bosne i Hercegovine i Vlade Republike Turske.
• Sporazum o ustanovljanje grupe država za borbu protiv korupcije- GRECO.
• Ugovor između Vijeća ministara Bosne i Hercegovine i Vlade Republike Hrvatske o saradnji u borbi protiv terorizma, krijumčarenja i zloupotrebe droga, te protiv organiziranog kriminala.
B. Laws and bylaws

1. Bosnia and Herzegovina

- Krivični zakon Bosne i Hercegovine, „Sl. glasnik BiH“, br. 3/03, 54/04, 61/04.
- Pravila o disciplinskoj i materijalnoj odgovornosti službenika Državne granične službe.
- Pravila o radu unutrašnje kontrole (Državna granična služba).
- Pravila o zaposlenima i radu (Državna granična služba).
- Pravilnik o disciplinskoj odgovornosti policijskih službenika Bosne i Hercegovine, „Sl. glasnik BiH“, br. 18/05.
- Pravilnik o unutrašnjoj organizaciji i sistematizaciji Državne agencije za istrage i zaštitu.
- Zakon o Državnoj agenciji za istrage i zaštitu „Sl. glasnik BiH“, br. 27/04, 63/04.
- Zakon o Državnoj graničnoj službi Bosne i Hercegovine, „Sl. glasnik BiH“, br. 50/04.
- Zakon o policijskim službenicima Bosne i Hercegovine, „Sl. glasnik BiH“, br. 21/03.

2. Federation of Bosnia and Herzegovina

- Krivični zakon Federacije Bosne i Hercegovine, „Sl. novine FBiH“, br. 36/03, 21/04, 69/04, 18/05.
- Pravilnik o načinu vršenja poslova Službe javne bezbјednosti, „Sl. list SRBiH“, br. 24/77.
- Pravilnik o unutrašnjoj organizaciji Federalnog Ministarstva unutrašnjih poslova
• Pravilnik o utvrđivanju poslova kojim se ne mogu baviti radnici organa za unutrašnje poslove zbog nespojivosti sa njihovim dužnostima, „Sl. list SRBiH“, br. 22/86.
• Uredba o Uredu za pritužbe javnosti, „Sl. novine FBiH“, br. 67/02.
• Zakon o krivičnom postupku Federacije Bosne i Hercegovine, „Sl. novine FBiH“, br. 43/98, 13/05.
• Zakon o policijskim službenicima Federacije Bosne i Hercegovine, „Sl. novine FBiH“, br. 27/05.
• Zakon o unutrašnjim poslovima Federacije Bosne i Hercegovine, „Sl. novine F BiH“ br. 19/03, 21/03, 42/02 i 46/02.

3. Republic of Srpska

• Krivični zakon Republike Srpske, „Sl. glasnik RS“, br. 49/03, 108/04.
• Zakon o krivičnom postupku Republike Srpske, „Sl. glasnik RS“, br. 50/03.
• Zakon o unutrašnjim poslovima Republike Srpske, „Sl. glasnik RS“, br. 3/98, 21/98, 18/99, 25/02 i 43/02.

4. Brčko District of Bosnia and Herzegovina

• Etički kodeks pripadnika policije Brčko distrikta BiH.
• Krivični zakon Brčko Distrikta Bosne i Hercegovine, „Sl. glasnik BD BiH“, br. 45/04.
• Pravilnik o disciplinskoj i materijalnoj odgovornosti radnika Policije Brčko Distrikta Bosne i Hercegovine, „Sl. glasnik BD BiH“, br. 6/01.
• Pravilnik o unutrašnjoj organizaciji i sistematizaciji Policije Brčko Distrikta Bosne i Hercegovine.
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- Zakon o krivičnom postupku Brčko Distrikta Bosne i Hercegovine, „Sl. glasnik BD BiH“, br. 10/03, 48/04.
- Zakon o Policiji Brčko Distrikta Bosne i Hercegovine, „Sl. glasnik BD BiH“, br. 2/00, 5/01, 2/02, 17/02, 6/03, 42/04, 11/05, 33/05.
- Zakon o pravnoj pomoći i službenoj saradnji u krivičnim stvarima između Federacije Bosne i Hercegovine, Republike Srpske i Brčko Distrikta Bosne i Hercegovine, „Sl. glasnik BD“, br. 6/02.

5. Canton 1 – Una - Sana

- Pravilnik o disciplinskoj i materijalnoj odgovornosti službenika Ministarstva unutrašnjih poslova Unsko-sanskog kantona.
- Pravilnik o prijemu u službu i radu.
- Pravilnik o radu odsjeka za unutrašnju kontrolu i javnog žalbenog biroa.
- Pravilnik o unutrašnjoj organizaciji Ministarstva unutrašnjih poslova Unsko-sanskog kantona.
- Uredba o javnom žalbenom birou, „Sl. glasnik USK“, br. 9/02.
- Zakon o unutrašnjim poslovima Unsko –sanskog kantona, „Sl. glasnik USK“, br. 1/97, 1/02, 6/02, 8/02, 11/03.

6. Canton 2 - Posavina

- Etički kodeks za profesionalne policajce, „Narodne novine ŽP“, br. 4/96.
- Pravilnik o disciplinskoj i materijalnoj odgovornosti službenika i namještenika Ministarstva unutarnjih poslova Županije Posavske, „Narodne novine ŽP“, br. 8/02.
- Pravilnik o radu Ureda za unutarnju kontrolu, „Narodne novine ŽP“, br. 8/02.
- Pravilnik o unutarnjoj organizaciji i sistematizaciji Ministarstva unutarnjih poslova Županije Posavske.
- Uredba o radu Biroa za predstavke i žalbe građana, „Narodne novine ŽP“, br. 8/02.
- Zakon o unutarnjim poslovima Županije Posavske, „Narodne novine ŽP“, br. 4/96, 2/02, 3/02, 4/02, 5/02, 8/02.

7. Canton 3 – Tuzla

- Instrukcija o radu Odsjeka za unutrašnju kontrolu Biroa za žalbe i predstavke građana.
- Pravilnik o disciplinskoj i materijalnoj odgovornosti.
- Pravilnik o unutrašnjoj organizaciji Ministarstva unutrašnjih poslova Tuzlanskog kantona.
- Standardi ponašanja službenika Ministarstva unutrašnjih poslova Tuzlanskog kantona.
- Uredba o javno-žalbenom birou, „Sl. novine TK“, br. 3/03, 6/03, 11/04.
- Zakon o Unutrašnjim poslovima Tuzlansko-Posavskog Kantona, „Sl. novine TK“, br. 6/97, 1/98, 2/98, 5/02, 9/02, 16/02, 5/03, 12/03.

8. Canton 4 – Zenica - Doboj

- Instrukcije za rad jedinice za profesionalne standarde.
- Pravilnik o disciplinskoj i materijalnoj odgovornosti službenika i namještenika Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
- Pravilnik o načinu vršenja poslova i zadataka policije i drugih ovlaštenih lica Ministarstva, „Sl. novine ZDK“, br. 18/99.
• Pravilnik o osnovnim standardnim procedurama policije pri javnim istupima i odnosima sa medijima Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Pravilnik o priznanjima i pohvalama koje dodjeljuje Ministar Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Pravilnik o radnim odnosima za ovlaštenu službenu lica Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Pravilnik o unutrašnjoj organizaciji i sistematizaciji Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Priručnik načela i procedura demokratskog rada policije Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Uputstvo o angažovanju jedinice policije za podršku Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Uputstvo o načinu nošenja, rukovanja i skladištenja naoružanja pripadnika Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona.
• Uredba o radu biroa za predstavke i žalbe građana, „Sl. novine ZDK“, br. 8/02.
• Uredba o Uredu za pritužbe javnosti, „Sl. novine ZDK“, br. 1/03.
• Uredba o utvrđivanju pravila disciplinske odgovornosti.
• Uredba o zvanjima i oznakama ovlaštenih službenih osoba Ministarstva unutrašnjih poslova Zeničko-dobojskog kantona, „Sl. novine ZDK“, br. 12/97.
• Zakon o unutrašnjim poslovima Zeničko-dobojskog kantona, „Sl. novine ZDK“, br. 1/97, 2/98, 8/02, 10/02, 12/02, 13/02, 4/03, 8/03, 4/04, 7/04.
9. Canton 6 – Central Bosnia

- Pravilnik o disciplinskoj i materijalnoj odgovornosti službenika Ministarstva unutrašnjih poslova Srednjobosanskog kantona.
- Pravilnik o unutrašnjoj organizaciji Ministarstva unutrašnjih poslova Srednjobosanskog kantona.
- Pravilnik o utvrđivanju poslova koji su nespojivi sa dužnostima službenika Ministarstva unutrašnjih poslova Srednjobosanskog kantona.
- Standardi ponašanja.
- Uredba o javnom žalbenom birou, „Sl. novine SBK“, br. 1/03.
- Zakon o unutrašnjim poslovima Srednjobosanskog kantona, „Sl. novine SBK“, br. 3/97, 8/02, 10/02, 17/02, 2/03.

10. Canton 9 - Sarajevo

- Etički kodeks profesionalnih policajca Ministarstva unutrašnjih poslova Kantona Sarajevo.
- Načela i procedure rada Ministarstva unutrašnjih poslova Kantona Sarajevo.
- Pravilnik o disciplinskoj i materijalnoj odgovornosti radnika Ministarstva unutrašnjih poslova Kantona Sarajevo, „Sl. novine KS“, br. 22/00, 15/02.
- Pravilnik o radu Jedinice za profesionalne standarde, „Sl. novine KS“, br. 22/00, 01/02.
- Pravilnik o unutrašnjoj organizaciji Ministarstva unutrašnjih poslova Kantona Sarajevo.
- Uredba o Birou za pritužbe javnosti u Ministarstvu unutrašnjih poslova Kantona Sarajevo i žalbe građana, „Sl. novine KS“, br. 29/02.
• Zakon o unutrašnjim poslovima Ministarstva unutrašnjih poslova Kantona Sarajevo, „Sl. novine KS“, br. 14/00, 22/00, 15/02, 18/02, 28/02.

11. Canton 10 – Livno

• Načela i procedure Ministarstva unutarnjih poslova Hercegbosanske županije.
• Pravilnik o disciplinskoj i materijalnoj odgovornosti djelatnika Ministarstva unutarnjih poslova Hercegbosanske županije.
• Pravilnik o unutarnjem ustrojstvu Ministarstva unutarnjih poslova Hercegbosanske županije, „Narodne novine HBŽ“, br. 4/97.
• Uputstvo o radu odsjeka za unutarnju kontrolu i uređa za žalbe javnosti.
• Uredba o uredu za žalbe javnosti, „Narodne novine HBŽ“, br. 4/03, 10/03.
• Zakon o unutarnjim poslovima Hercegbosanske županije, „Narodne novine HBŽ“, br. 3/02, 5/02, 11/02, 6/03.
Annex 2
Tables
Table 1
Corruption related criminal offences

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<thead>
<tr>
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<td>Article 217</td>
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<td>Article 222</td>
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<td>Article 386</td>
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<td>Falsifying official document</td>
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<td>Illegal charging and payment</td>
<td>Article 390</td>
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<td>Article 227</td>
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<td>Article 370</td>
<td>Illegal release of a person deprived of freedom</td>
<td>Article 391</td>
<td>Illegal release of a person deprived of freedom</td>
<td>Article 228</td>
<td>Illegal release of a person deprived of freedom</td>
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<td>Article 371</td>
<td>Illegal appropriation of things during search or execution</td>
<td>Article 392</td>
<td>Illegal appropriation of things during search or execution</td>
<td>Article 229</td>
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<td>Violation of human dignity by abuse of official position or authority</td>
<td>Article 372</td>
<td>Violation of human dignity by abuse of official position or authority</td>
<td>Article 393</td>
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Table 2
Data on criminal investigations of corruption related criminal offences

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<tr>
<th>Case No.</th>
<th>Criminal Law Article</th>
<th>Date of perpetration</th>
<th>Number of perpetrator</th>
<th>Employed in</th>
<th>Profession of the perpetrator</th>
<th>Working position of the perpetrator</th>
<th>Outcome (if known)</th>
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Table 3
Data on disciplinary proceedings of police corruption

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<th>Type of violation</th>
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<th>Number of perpetrators</th>
<th>Organizational unit (employed in)</th>
<th>Working position of the perpetrators</th>
<th>Profession of the perpetrators</th>
<th>Outcome of the procedure</th>
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<td>Perception about corruption extent among managers in police stations</td>
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<td>Behavior of respondents in a hypothetical situation of abuse of office by a colleague</td>
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<td>Attitude of respondent towards the statement: “It is normal for a police officer to use his position for gaining some personal gain even though it is an illegal way of obtaining that gain.”</td>
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<td>Attitude of respondents towards the statement: “If a young and inexperienced police officer feels obliged to “return a favor” to somebody who offers “a sign of appreciation”, it would be better for him not to get involved with such adventure.”</td>
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<td>Attitudes about non-tolerating of corrupting behavior of police officers (tests of</td>
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<td>Opinions of respondents related to sufficiency of police work in fighting corruption</td>
<td>Citizen/police officer</td>
<td>156,231</td>
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<td>Behavior of respondents in a hypothetical situation of stopping a vehicle driver who passed through the red light</td>
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<td>Behavior of respondents in a hypothetical situation of stopping a violator of the allowed speed limit for vehicles on the main road</td>
<td>Citizen/police officer</td>
<td>21,679</td>
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<td>0.000</td>
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</tbody>
</table>

| **Perceptions about corruption extent** | | | | |
| Perception about corruption extent in police | Citizen/police officer | 465,495 | 5 | 0.000 |
| Perception about corruption extent in judicial system | Citizen/police officer | 43,402 | 5 | 0.000 |
| Perception about corruption extent among patrolmen | Citizen/police officer | 156,709 | 5 | 0.000 |
| Perception about corruption extent among traffic police in the city | Citizen/police officer | 220,164 | 5 | 0.000 |
| Perception about corruption extent among traffic police on main roads | Citizen/police officer | 124,440 | 5 | 0.000 |
| Perception about corruption extent among managers in police stations | Citizen/police officer | 127,923 | 5 | 0.000 |
| Perception about corruption extent among managers in central (regional) Ministries of Interior Affairs | Citizen/police officer | 56,030 | 5 | 0.000 |
| Perception about corruption extent among managers at the level of entity Ministries of Internal Affairs | Citizen/police officer | 39,434 | 5 | 0.000 |

| **Attitudes towards non/tolerating of corruptive behavior of police officers** | | | | |
| Attitude of respondent towards the statement: “It is completely acceptable for a police officer to use his position for gain some personal gain (benefit for himself) if that does not endanger the general safety in the community.” | Citizen/police officer | 40,596 | 5 | 0.000 |
| Attitude of respondent towards the statement: “It is completely acceptable for a police officer to use his position for gaining some personal gain if proprietary benefit is not included.” | Citizen/police officer | 29,310 | 5 | 0.000 |
| Attitude of respondent towards the statement: “It is normal for a police officer to use his position for gaining some personal gain even though it is an illegal way of obtaining that gain.” | Citizen/police officer | 44,302 | 5 | 0.000 |
| Attitude of respondent towards the statement: “It is completely acceptable for a police officer to use his position for gaining some personal gain if he in helps his family and friends in that way.” | Citizen/police officer | 71,220 | 5 | 0.000 |
| Attitude of respondents towards the statement: “It is a young and inexperienced police officer feels obliged to “return a favor” to somebody who offers “a sign of appreciation”, it would be better for him not to get involved with such a person.” | Citizen/police officer | 17,392 | 4 | 0.001 |
| Attitude of respondents towards the statement: “Police officers who receive the signs of appreciation by citizens in the local community shall be treated as a disrespectful person.” | Citizen/police officer | 7,108 | 4 | 0.130 |
| Attitude of respondents towards the statement: “It is completely natural for people to look kindly upon police and to manifest that by offering gifts and favors for free.” | Citizen/police officer | 14,393 | 4 | 0.005 |
| Attitude of respondents towards the statement: “Gifts like free meals in restaurants or free automobile services for police officers are present in Bih to the extent that they cannot be abolished by any kind of reaction from society.” | Citizen/police officer | 59,291 | 5 | 0.000 |
| Opinion of respondents about measures that should be taken in order to decrease police corruption | Citizen/police officer | 35,975 | 4 | 0.000 |
Anex 3
Questionnaires
Research project:

«OVERTLY ABOUT POLICE AND CORRUPTION»

COUNCIL OF EUROPE CIVIL LAW CONVENTION AGAINST CORRUPTION:

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 (article 2 of the Convention).

Dear Mr/Ms,

Association of Criminalists in Bosnia and Herzegovina wants, in an objective way, to do a research into the issue of corruption in police as well as a reaction of the whole police organisation to the issue of corruption. We kindly ask you, as professionals, to read the questionnaire carefully and offer your open and frank answers in all so called «synthetic» situations which will be simulated in this questionnaire.

The research is anonymous.

Please do not put your name and surname on this Questionnaire.
1. According to your opinion to be a police officer today is:
   - 1. harder than it was earlier
   - 2. much easier than it was earlier
   - 3. practically same as earlier
   - 4. I do not know

2. How much are, according to your opinion, the following statements important when speaking about your motive to work as a police officer?

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<tr>
<th>STATEMENTS</th>
<th>HIGH IMPORTANCE</th>
<th>MIDDLE IMPORTANCE</th>
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3. The attitude that we should not misuse our position in police in order to achieve some personal benefit I learnt from:
   - 1. teachers at Academy (course or some other type of education/training for police service)
   - 2. my superiors
   - 3. older colleagues
   - 4. it was part of my upbringing in my family
   - 5. I never had a chance to listen about it

4. Is the knowledge you received through your education for police work enough to tackle everyday obligations «on the street» (police academy, some university, or some other training which you attended in order to work for police)?
   - 1. it is much harder than it used to be earlier
   - 2. quite enough
   - 3. satisfactory
   - 4. not enough

5. Did you, during your education and training for police work (police academy, transitional course, etc.) have the chance to train and apply some so called police powers through practical training?
   - 1. often
   - 2. rarely
6. According to your opinion how much are BRIBE AND CORRUPTION present in certain state institutions?

(Circle the number representing your opinion)

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7. In which part of police structures is, according to you, corruption most present?

(Circle a corresponding number)

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7.8. Chiefs at entity level of Ministries of internal affairs  5 4 3 2 1 0
7.9. Officers issuing car plates and permits  5 4 3 2 1 0
7.10. Policemen at passport department  5 4 3 2 1 0
7.11. Ministry of internal affairs commissions for driving tests  5 4 3 2 1 0
7.12 Some other police department:  

8. 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 position)?  
   (Only one answer)
   1. I was never in such position, and I do not know anyone who was in such position
   2. No never personally, but I know there are cases of corruption in police
   3. Others advised me accept bribe
   4. Yes, I had to accept bribe
   5. Yes, I had to accept bribe and I heard from my colleagues that they have done the same

9. What are the ways that citizens use in order to try to bribe police officers?  
   (Only one answer):
   1. money exclusively
   2. offering counter services
   3. offering services from their personal connections and acquaintances
   4. something else: (what?) ..........................................................

10. According to your opinion, are the competent police services doing enough on investigation and prevention of corruption?  
    (Only one answer)
    1. they are not doing enough, at least we cannot see that they are doing enough
    2. they are doing almost nothing, i.e. there is not effect
    3. under these conditions quite enough
    4. yes, and very successfully so
    5. they would be doing even more if: .............................................................. ;

11. Imagine a hypothetical situation that you are a traffic police officer. How much money would according to you be «normal» to receive (in KM) from a violator (who drove beyond the allowed speed limit for a vehicle on a highway) stopped by you?  
    (Only one answer)
    1. I would never take money
    2. I would take money if the driver would offer it on its own
    3. I think a tolerable amount of money would be not more than _____ KM
    4. I would ask for as much money as I would appraise that that person can give
12. Let us remain still in this situation of (you) being a traffic police officer but now in the centre of a city. How much money would according to you be “normal” to receive (in KM) from a driver that just went through a red light?

(Only one answer)

☐ 1. I would never take money
☐ 2. I would take money if the driver would offer it on its own
☐ 3. I think a tolerable amount of money would be not more than _______ KM
☐ 4. I would ask for as much money as I would appraise that that person can give

Circle your opinion (number) in the statements we are offering?

13. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain (benefit for him self) if that does not jeopardise general safety of the community

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14. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if it does not include property benefit for him or his close family and friends.

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15. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain though the way to achieve the gain is illegal

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16. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if by doing this he is helping his family or friends

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17. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if his superior tolerates that

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18. It is absolutely natural for people to be benevolent toward police officers and to manifest that feeling by offering them gifts or certain services for free (free drink, food etc...)

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19. Exactly these small gifts or services for free will later on represent a burden in his normal work in a community

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20. A police officer rejecting the small gifts offered by citizens will, in his local community, be treated as a person not to be trusted

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21. Gifts as free meals in restaurants or free car services for police officers in BIH are so present that it is impossible to abolish this practice by any kind of reaction within society

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22. A police officer can differentiate on his own what is a «sign of appreciation» and what is bribery

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23. Gifts such as free meals in restaurant or free car services are not enough in order to make a police officer «dependant on the service»

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24. Many police officers do not become «dependant on services» such as free restaurant meals or free car service, but sometimes some younger, inexperienced police officers do «fall into this trap»
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25. If a weak and inexperienced police officer feels obligation of «returning the counter service» to someone who offer a «sign of appreciation», it is better for him not to go for this kind of “adventure”

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Which of these listed measures could decrease corruption in police structure? We will offer five (5) statements and you can give each statement a grade (number).

26. It is indispensable to increase salaries to police officers

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27. It is indispensable to adopt a new rulebook on additional payment for overtime police work

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28. Publicly announce guidelines (instructions) for citizens on how to report cases of corruption, maybe even on notice boards of police stations or local community centres

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29. Strict application of control over police officers and application of sanctions for misuse of duty

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30. Strict punishment of citizens trying to bribe a police officer

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31. Recruitment of police officers is not given enough attention by the society so that we have a big number of incompetent police officers who choose this profession as a necessary evil or because of good chance to obtain full time job.

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<tr>
<th>I completely agree</th>
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<th>I do not agree nor disagree</th>
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32. In BIH police forces managerial positions should be given to professionals who were educated at universities in law enforcement and internal affairs in general.

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33. What would you do if you came to knowledge of your colleague misusing his official duty (of a police officer) with an aim to achieve his personal benefit? (Only one answer)

- 1. I would report that case to superiors
- 2. I would ignore it because it is a colleague of mine
- 3. I would try to stop him at the scene
- 4. First time I would over look and say nothing but I would ask him not to repeat it
- 5. I really do not know what would I do

In the end, we would kindly ask you to mark you sex, age and level of education. These data are exclusively needed for statistical purposes:

31. Sex?

- 1. male
- 2. female

32. Your age __________.

34. Did you ever have in your close family and in your household a person who was in police forces (a police officer) or worked for police in any way?

- 1. YES
- 2. NO

35. How long have you been employed with police?

- 1. less than three years
- 2. more than three years

36. Did you work for the police before the conflict in BiH (1992-95)?

- 1. YES
- 2. NO

33. Did you answer to all questions openly and frankly? (Circle one of the answers)?
1. yes, without any reserves
2. partially, I was not able to answer some of the questions because: 
3. no, I was not sincere in my answers since

Thank you for your cooperation!!!
Research project:

«OVERTLY ABOUT POLICE AND CORRUPTION»

COUNCIL OF EUROPE CIVIL LAW CONVENTION AGAINST CORRUPTION:

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 (article 2 of the Convention).

Dear Mr/Ms,

Association of Criminalists in Bosnia and Herzegovina wants, in an objective way, to do a research into the issue of corruption in police as a part of state organisation, especially in its most sensitive areas (basic/uniformed police, traffic police, administrative departments and crime police).

We kindly ask you to read the questions carefully and give your open and frank answers. We want you to provide your sincere opinion about police and presence of corruptive behaviour in certain structures in police which you might have had contact with or you maybe know someone who had to offer bribe to individuals in police for different reasons.

The research is anonymous.

Please do not put your name and surname on this Questionnaire.
1. According to your opinion how much are BRIBE AND CORRUPTION present in certain state institutions?

(Circle the number representing your opinion)

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<th>Extremely significantly</th>
<th>Significantly</th>
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<td>1.2. in civil engineering</td>
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<td>1.5. in export trade</td>
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<td>1.7. in banking</td>
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<td>1.8. in secondary schools</td>
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<td>1.9. at universities</td>
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<td>1.10. in our patient clinics</td>
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<td>1.11. in hospitals</td>
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<td>1.12. in pensioner insurance funds</td>
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<td>1.13. in social insurance</td>
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<td>1.14. in judiciary</td>
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<td>1.15. in police</td>
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2. Did you ever have any official communication with police in one of the following roles?

(Circle a corresponding number 0 or 1)

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<tr>
<th>Role</th>
<th>YES</th>
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<td>2.1. hearsay witness</td>
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<tr>
<td>2.2. eye witness</td>
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<tr>
<td>2.3. a person stopped by a police officer for identification</td>
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<tr>
<td>2.4. a person committing milder violation (e.g. traffic, etc.)</td>
<td>1</td>
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<tr>
<td>2.5. as a suspect of crime</td>
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<td>0</td>
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<tr>
<td>2.6. as someone who reports a crime</td>
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<tr>
<td>2.7. as a victim of a crime</td>
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</table>

3. If in any of the cases (stated above) you had to communicate with a police officer, how was that police officer’s behaviour toward you?

(Only one answer)

- 1. I did not communicate
- 2. very nice and correct
- 3. mainly correct, thought they could have been nicer
- 4. very cold and reserved
- 5. not enough professional or partially rude
- 6. cruel and accusing without any reason
4. Have you ever been in a situation where you wanted to BRIBE a police officer or where you BRIBED a police officer (or heard of someone being in that kind of situation)?

- 1. I have never, and I do not know anyone who was in such situation
- 2. No, I have never been in that situation personally, but I know a person who gave bribe to a police officer
- 3. Other people advised me to bribe a police officer but I categorically refused
- 4. Yes, I had to bribe a police officer
- 5. Yes, I had to bribe police officer and I heard from my friends and acquaintances that they did the same

5. What are the ways in which citizens are trying to bribe police officers?

- 1. money exclusively
- 2. offering counter services
- 3. personal relations and acquaintances
- 4. something else: (what?) .................................................................

6. In which part of police structure is corruption most present?

<table>
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<tr>
<th></th>
<th>Extremely present</th>
<th>Very</th>
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<td>6.1. Patrolman</td>
<td>5</td>
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<td>6.2. Traffic police in city</td>
<td>5</td>
<td>4</td>
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<tr>
<td>6.3. Traffic police on highway</td>
<td>5</td>
<td>4</td>
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<td>6.4. Criminal police</td>
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<td>4</td>
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<td>6.5. Secret police (Intelligence)</td>
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<td>6.6. Chiefs in police stations</td>
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<td>6.7. Chiefs in cantonal (regional) Ministries of internal affairs</td>
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<td>6.8. Chiefs at entity level of Ministries of internal affairs</td>
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<td>6.9. Officers issuing car plates and permits</td>
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<td>6.10. Policemen at passport department</td>
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<td>6.11. Ministry of internal affairs’ commissions for driving tests</td>
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7. **According to your opinion, are the competent police forces doing enough in terms of investigation and prevention of corruption?**

(Only one answer)

- 1. they are not doing enough, or at least we cannot see that they are doing enough
- 2. they are doing almost nothing, i.e. there is no effect
- 3. under there conditions quite enough
- 4. they would be doing even more if: ........................................................................................................

8. **Imagine a hypothetical situation that you are a traffic police officer. How much money would according to you be «normal» to receive (in KM) from a violator (who drove beyond the speed limit allowed for a vehicle at a highway) stopped by you?**

(Only one answer)

- 1. I would never take money
- 2. I would take money if the driver would offer it on its own
- 3. I think a tolerable amount of money would be not more than _______ KM
- 4. I would ask for as much money as I would appraise that that person can give

9. **Let us remain still in this situation of (you) being a traffic police officer but now in the centre of a big city. How much money would according to you be “normal” to receive (in KM) from a driver that just went through a red light?**

(Only one answer)

- 1. I would never take money
- 2. I would take money if the driver would offer it on its own
- 3. I think a tolerable amount of money would be not more than _______ KM
- 4. I would ask for as much money as I would appraise that that person can give

10. **According to your opinion, which types of giving or receiving bribe, as well as corruption would a police officer have to report?**

(Only one answer)

- 1. absolutely all attempts, from asking for a connection, offering counter services to money
- 2. every rude and exaggerated attempts to find a connection, offer counter services and money
- 3. He should file a report against every offer of a bigger amount money or hard forms of corruption
- 4. it all depends on the person in question
- 5. they represent authorities and they do not have to file a report about anything if they do not want to
Circle your opinion (number) in the statements we are offering?

11. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain too (benefit for him self) if that does not jeopardise general safety of the community

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12. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if it does not include property benefit

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13. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain though the way to achieve the gain is illegal

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14. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if by doing this he is helping his family or friends

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15. It is absolutely acceptable for a police officer to use his position in order to achieve some personal gain if his superior tolerates that

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16. It is absolutely natural for people to be benevolent toward police officers and to manifest that feeling by giving them gifts or certain services for free

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17. Exactly these small gifts or services for free will later on represent a burden for his normal work in a community

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18. A police officer rejecting the small gifts offered by citizens will, in his local community, be treated as a person not to be trusted

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19. Gifts as free meals in restaurants or free car services for police officers in BIH are so present that it is impossible for any kind of reaction within society to abolish that

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20. A police officer can on his own distinguish what is a «sign of appreciation» and what is bribery

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21. Gifts such as free meals in restaurant or free car services are not enough in order to make a police officer «dependant on the service»

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22. Many police officers do not become «dependant on services» such as free restaurant meals or free car service, but sometimes some younger, inexperienced police officers do «fall into this trap»

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23. If a weak and inexperienced police officer feels obligation of «returning the counter service» to someone who offer a «sign of appreciation », it is better for him not to accept any gift or service

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</table>
Which of the measures listed below could decrease corruption in police structure? We will offer five (5) grades and you can give each statement a grade (number).

24. Increase salaries in police
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

25. Additional payment for overtime work
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

26. Publicly announce guidelines (instructions) for citizens on how to report cases of corruption, maybe even on notice boards of police stations or local community centres
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

27. Strict application of control over police officers and application of sanctions for violation of duty
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

28. Strict punishment of citizens trying to bribe a police officer
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

29. Recruitment of police officers is not given enough attention by the society so we have a big number of incompetent police officers who choose this profession as a necessary evil or according to so called «ethnic quota».
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5

30. Managerial positions in police should be given to officers with adequate university education
   - I absolutely agree
   - I mainly agree
   - I neither agree nor disagree
   - I mainly disagree
   - I absolutely disagree
   - 1 2 3 4 5
In the end, we would kindly ask you to mark you sex, age and level of education. These data are exclusively needed for statistical purposes:

31. Sex?
   - 1. male
   - 2. female

32. Your age __________.

33. Level of education?
   - 1. primary school
   - 2. secondary school
   - 3. student
   - 4. 2-year university graduate
   - 5. 4-year university graduate
   - 6. M A
   - 7. Ph D

34. Did you answer to all questions openly and frankly?
   (Circle one of the answers)?
   - 1. yes, without any hesitation
   - 2. partially, I was not able to answer some of the questions because: _______________________________
   - 3. no, I was not sincere in my answers since: ___________________________________________

Thank you for your cooperation!!!

Possible remarks and suggestions:
Literature:


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## Part I  29  

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