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# TESTING THE INTEGRITY OF POLICE OFFICERS

Sofija Mandić, Saša Djordjević



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## SUMMARY

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The integrity test is an operational police method of covert collection of information, conducted for the purpose of preventing and detecting corruption in the police force. It was introduced back in the '70s to combat corruption in the New York Police Department. Although in Serbia it had been continually announced for four years, it was only in 2016 that it was prescribed, albeit imprecisely, by the new Law on Police. Also, no one ever explained which form of the test will be applied in Serbia: the one targeting police officers under suspicion, or the random form, which would apply to all. However, this is not the only dilemma regarding the testing of the integrity of police officers in Serbia, which was publicly described as a "secret operational method that will discover various forms of abuse in the police" and be used to try to "tempt colleagues by offering them bribes."

The concept of integrity, that is, the main purpose for the introduction of such testing in general, is unclear. The test subjects are unknown, and so are the requirements concerning the notification of testing, the consequences of its results and the utilisation, recording and preserving of collected materials. The law does not specifically prohibit encouraging police officers to commit criminal offenses of corruption or other illegal acts in the course of testing. All this will be included in a secondary legislation, which should be enacted by the Minister of Interior Affairs within one year after the adoption of the law – which is, in itself, quite problematic. For example, the integrity test may limit the rights of inviolability of the place of residence, confidentiality of correspondence, the right to work, the right to equal protection, and the right to a fair trial. The Constitution requires that these rights be restricted by a law, not a by-law.

The integrity test, as it was designed in the Ministry of Interior and to some extent defined by the Law on Police, in no way fits into the allowed framework which serves to limit the rights, and into the existing rules that apply to criminal proceedings. It is clear that the integrity test will continue to develop in the direction of the confidentiality of operations to be carried out by the Internal Affairs Sector within the Ministry of Interior, which is not a good solution. The Criminal Procedure Code stipulates that covert information gathering methods, i.e. special investigative actions can be undertaken only upon a court decision issued upon a reasoned request of the public prosecutor. The Law on Police does not at all recognise the prosecution and the judiciary as actors in the implementation of the test. As regards the use of evidence obtained by way of integrity testing – they should be treated as illegally obtained evidence.

In Serbia, there are legitimate mechanisms to detect corruption, and thus further development of the integrity test ought to be viewed in the context of prevention, which happens to be missing. The integrity test is viewed as an instrument in the fight against corruption, which implies simulation of real situations identical to the operating activities of the person being tested; the tested person is obliged to resolve said situation, providing insight into his reaction and acts performed under the circumstances. At this point, the legislator introduces the concept of combating corruption, as op-



posed to the concept of prevention of corruption which is mentioned in the same Article of the Law on Police, but in another paragraph. A dilemma is thus created about the content and purpose of the newly prescribed measures: is their application aimed at preventing corruption or suppressing it? The integrity test can play its preventive role only in the form of an announced test of knowledge. Before such a test, the employees must be provided with the knowledge to be verified by a test, and they must be informed that the Ministry of Interior considers the integrity of its employees very important.

Although it could indeed favourably affect the reduction of corruption in the police, the integrity testing has not been sufficiently developed by the Law on Police. In addition to providing legal regulation, it is also necessary to eliminate any doubt regarding the work of the Internal Affairs Sector. The Sector is currently not operationally independent in the way demanded by international standards. The Sector must be granted a more prominent role in the process of approval of special investigative actions; it should also use the EU accession process experiences of other countries, those that criticised the integrity testing performed at the discretion of the Minister of Interior.



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## RECOMMENDATIONS

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*The details of the integrity test must be further regulated by law, not a by-law. The work of the authority which is to conduct the testing – and, according to the current solution, it is the Internal Affairs Sector of the Ministry of Interior – should be fully autonomous and financially independent. It is necessary to change the current subordination of the Internal Affairs Sector to the Minister of Interior, which creates much room for abuse.*

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### Short-Term

1. It is necessary to ensure the transparency and commitment to the continuing reform of the police in establishing a system of internal control.
2. It is necessary to regulate in a by-law the announced integrity testing, whose primary purpose will be prevention rather than combating corruption in the police. The test should be preceded by a precise definition of the concept of integrity of the police and the employees of the Ministry of Interior.
3. The newly formed special department in the Internal Affairs Sector, in charge of prevention of corruption in the Ministry of Interior, should expand its competences to include strengthening of the professional standards of police officers.
4. The announced Law on Records (or amendments to the existing Law on Police) should regulate the collection, keeping, utilisation and processing of personal data obtained through integrity testing.
5. It is necessary to establish a statutory relationship between the test results and career advancement in the Ministry of Interior.
6. Integrity testing must never be an investigative method used to collect information on corruption cases. It is necessary to use the existing solutions from the Criminal Procedure Code for this purpose.

### Mid-Term

1. The Law on Police should include the test's obligation to respect human rights and the professional integrity of the person subjected to testing.
2. Amend the Criminal Procedure Code so that the Internal Control Sector becomes the authorised proponent for the approval of special investigative actions.



3. Amendments to the Law on Police should ensure operational independence of the Internal Control Sector and introduce a rule stating that only a special department of the Sector is in charge of fight against corruption.
4. Financial and material conditions for the operation of the Internal Affairs Sector should be provided from the Budget of the Republic of Serbia.



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## INTRODUCTION

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In front of you is a study of the integrity test – an anti-corruption measure regularly used in police forces that have problems with either corruption or a large number of citizens' complaints concerning police work. Integrity tests are most often carried out to identify police officers who are prone to corrupt practices, to initiate disciplinary proceedings, to gather evidence for the prosecutor's office, and to identify police officers that are trustworthy, incorruptible, and deserving of a promotion. The objective is to reduce corruption in the police.

Integrity testing has been the subject of public discussion in Serbia since 2012. The Law on Police, which introduced three preventive anti-corruption measures, including the integrity test, was enacted four years later. However, the largest part of the application of the integrity test, as well as the two other new anti-corruption measures will be regulated in a by-law which should be enacted by the Minister of Interior within one year from the entry into force of the Law on Police. The deadline expires in February 2017. This study has been prepared precisely for that purpose: to aid further development of secondary legislation, but also to inform the citizens – as sufficient material in the Serbian language dealing with this topic is lacking.

The authors of the study believe that there have not been sufficient or sufficiently expert public discussions about the testing of the integrity of employees in the Ministry of Interior (MoI). The only public debate on the testing has been initiated by the international community, i.e. the Council of Europe. For this reason, neither the public nor the police officers are sufficiently clear as to what really is going on and what the positive and negative characteristics of integrity testing are. It is not known what the citizens may expect to gain from this testing, or under which circumstances these anti-corruption measures could be abused. The answers to these issues have been provided in the study.

The study comprises three sections. At the beginning there is an explanation of the concept of the integrity test, why it is conducted, what its existing forms are, and finally, which preconditions must be met in order to prevent human rights violations and the abuse of the testing in practice.

Based on a legal analysis, the main part of the study examines the possibilities and limitations of testing the integrity of police officers in Serbia. The Article of the Law on Police that introduced the institution of the integrity test is analysed first. Then, the answer is provided to the question to what extent the integrity test complies with the international standards of fight against corruption, the Constitution of the Republic of Serbia, and the law governing criminal procedure. The capacity of the Internal Affairs Sector (IAS) to implement the above testing is examined at the end.

The conclusion of the study shows the legal frameworks used for the application of the integrity test in various police forces in the world. Attention was given to equitable representation of the Anglo-Saxon legal system and the European law. Therefore, the study offers information on how the



integrity test is initiated, implemented, supervised and controlled in Australia, the Czech Republic, Romania, but also in the London and New York police forces – those with most experience with such testing.

The study was based on the analysis of the content of legal acts, strategic documents, academic and media articles, as well as reports of various bodies in charge of overseeing the work of the police.



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## THE INTEGRITY TEST

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*The integrity test is an operational police method of covert information collection, carried out for the purpose of preventing and detecting corruption in the police.*

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### The Concept and Purpose of Testing

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Integrity testing was introduced back in the '70s to combat corruption in the New York Police Department. It is most often described as a simulation, its objective being to monitor the behaviour of an individual.<sup>1</sup> The testing involves use of equipment for audio and video surveillance, as well as eye-witnesses who are later to serve as witnesses. It is regularly applied in police forces that have problems with either corruption or a large number of citizens' complaints concerning police work. Most common subjects of integrity tests are police officers in daily contact with the citizens, such as those working in the traffic police or sectors that are known to be particularly vulnerable to corruption. Testing is implemented in the Hong Kong police, a great number of European police departments, and in most of the Australian police departments. In our region, the integrity test is applied in Romania.

Integrity testing is a process in which various activities are developed and implemented in order to assess the compliance of the behaviour of a certain police officer or a group of police officers with the requirements of the law and proper police work. Essentially, the test involves placing a policeman in an artificially created environment in which it is likely that corruption might occur. The simulation serves to test the police officer's application of regulations in illegal conditions. To simplify, think of an internal police control inspector playing a citizen who "accidentally" leaves his wallet at the police station. Covert information collection measures are later used to determine which police officers have a tendency towards corruption, and which are moral. It is "Hidden Camera" for potentially corrupt policemen.

Integrity tests are usually carried out to identify the police officers who are prone to corrupt practices, to gather evidence for the prosecution, or to initiate disciplinary proceedings, but also to identify those who are trustworthy, incorruptible and deserving of a promotion. Testing creates conviction in the police that the risk of detection of corruption is higher, and police officers are thus discouraged from taking bribes and engaging in similar acts of corruption. As police officers strongly resist reporting corruption cases among themselves, testing is used as an incentive to change this practice. It is also used to determine the need for the training of police officers, and to send a message to the public that the government is firmly resolved to combat corruption.<sup>2</sup>

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1 Narelle Willingham. 2014. *To Undertake Specialized Training in Integrity Testing*. Canberra: The Winston Churchill Memorial Trust of Australia.

2 Tilman Hoppe. 2014. *Integrity Testing: Aspects of Implementation*. Strasbourg: Council of Europe. <<http://goo.gl/jOOEgK>>



### Forms of Testing

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There are two forms of integrity testing. The target test is conducted based on already collected and analysed intelligence on an individual police officer or a group of police officers suspected of corruption. The objective is to obtain new information or confirmation that a suspected person is prone to corruption. This method of testing can lead to an individual's deprivation of liberty or to discovering new evidence that could be used in criminal proceedings. A targeted test should always be focused on a specific police officer suspected of abusing his powers.<sup>3</sup>

For example, a candidate for a targeted integrity test would be a police officer against whom there are several unresolved complaints of theft. Most often it is not possible to prove theft by implementing regular disciplinary proceedings, in which a police officer usually denies that he did anything illegal. In an integrity test, the suspected police officer is placed in a situation which is realistic, and in which a possibility of theft does exist. The police officer's vulnerability to corruption is assessed by observing his behaviour in such a simulated environment.

Targeted testing is most often used for serious violations or to solve crimes of corruption. It is essentially indistinguishable from undercover investigator work or simulated affairs as special investigative actions used in criminal proceedings.<sup>4</sup> The only difference relates to the fact that targeted testing is conducted by the police internal control, or by an external anti-corruption agency against police officers.<sup>5</sup>

A random integrity test is carried out in order to monitor and evaluate the work of a police officer in a particular situation that requires police intervention. It is not initiated as a result of pre-existing intelligence and suspicion towards certain police officers; it's based on the analysis of the risks of corruption in certain parts of the police, in a particular geographic area.<sup>6</sup> Situations used to test the integrity of police officers are simpler, and the costs of creating such simulations are significantly lower than those of targeted integrity tests.

For example, a driver who pretends to be inebriated verbally provokes a police officer during traffic control, thus creating an opportunity for bribery; or a suspect in police custody provokes the police

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3 Steve Rothlein. 2010. *Conducting Integrity Tests on Law Enforcement Officers*. Miami: Legal and Liability Risk Management Institute. <<http://goo.gl/592fwb>>

4 See: Articles 147-177 i 183-187, Criminal Procedure Code, "Official Gazette of the Republic of Serbia" No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

5 Tim Prenzler, Carol Ronken. 2001. "Police Integrity Testing in Australia". In: *Criminology and Criminal Justice*, 1(3), p. 321.

6 KPMG Peat Marwick LLP. 1996. *Report to the New York City Commission to Combat Police Corruption*. New York: New York City Police Department, p. 4.



officer on duty, testing his professionalism by hinting that he will give him money if he releases him.<sup>7</sup>

Random testing is most often used for minor and disciplinary infractions, while in the New York Police Department it is also used as a means for determining the need for training of police officers. Random testing is criticised because it provides a myriad of opportunities for abuse in practice.<sup>8</sup>

## Preconditions for Testing

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Both the targeted and random testing can be abused in practice because the issue at hand is deception, a trap and a provocation. Due to the intrusive nature of the test, there are also ethical and legal issues of protection of privacy and other human rights and liberties. The tests can lead to police officers losing the freedom to perform their duties without having to fear that any of their actions may be subject to secret surveillance. Such control of police officers may lead to de-professionalisation of police work,<sup>9</sup> which in post-conflict societies such as the Western Balkans is questionable to begin with.<sup>10</sup> It is therefore important to establish and respect the following rules.

Application of the integrity test should be regulated by law. According to the European Convention for the Protection of Human Rights and Freedoms, anything that may endanger human rights must be governed by law, not a by-law or another regulation of lesser legal strength. The law must clearly prescribe the protective mechanisms that will guarantee that the tests will not be misused in practice due to personal, political or other interests. It is important to stipulate that, during the testing, it is prohibited to incite the tested person to act illegally,<sup>11</sup> that is, to encourage a police officer to commit a criminal offense of corruption or another illegal act.

The same legal regime that applies to special investigative techniques used in criminal proceedings, whose implementation implies secrecy and knowledge of the fact that their utilisation may compromise basic rights and freedoms, should also apply to integrity testing. This means that if a country decides to apply the integrity test, it must also take appropriate statutory measures to ensure that

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7 Andrew Full. 2009. "Taking the Test: Police Integrity and Professionalism in the MPDs". In: *Crime Quarterly*, 27, p. 6.

8 Tim Prenzler, Carol Ronken. 2001. "Police Integrity Testing in Australia". In: *Criminology and Criminal Justice*, 1(3), pp. 319-342.

9 John Kleinig. 1996. *The Ethics of Policing*. New York: Cambridge University Press.

10 During the process of implementation of the integrity test, the Australian parliamentary committee, which oversees the police, has found that the costs of testing have increased; it also observed a negative impact of the testing on the morale of police officers; the legal problem concerning incitement to criminal offense also occurred, as such prohibited by law; while the efficacy of the test itself proved questionable. See: Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity. 2011. *Inquiry into Integrity Testing*. Canberra: Commonwealth of Australia, p. 22.

11 Ross Homel. 1997. *Integrity Testing to Prevent Police Misconduct: Reflections on Deterrence and other Key Issues*. Discussion Paper. Brisbane: Criminal Justice Commission.



judicial institutions or other independent bodies will maintain control over the application, by issuing approvals for the implementation of these measures, performing control during implementation, or performing ex-post control.<sup>12</sup>

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12 Council of Europe. 2005. *Recommendation Rec (2005)10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism*. Adopted by the Committee of Ministers on 20 April 2005 at the 924th meeting of the Ministers' Deputies. <<https://goo.gl/l8hbtR>>



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## POSSIBILITIES AND LIMITATIONS OF INTEGRITY TESTING IN SERBIA

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*The testing of the integrity of police officers in Serbia is neither appropriately nor precisely regulated by the new Law on Police. The role of preventive testing cannot be recognised.*

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Preventive measures to combat corruption in the police have been introduced by the Law on Police of 2016.<sup>13</sup> They will be implemented in the entire MoI, including the police. The three new preventive measures are: analysis of the risk of corruption; verification of changes in the financial status; and the integrity test. The following facts are common to all three activities: the law envisages their existence only in principle; they will be implemented by the IAS; all important substantive and procedural features of the new institutes will be governed by a by-law enacted by the Minister of Interior within one year from the date of the Law's entry into force. The application of these institutes will then begin.

### Unclear and Contradictory Provisions on the Integrity Test

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**Suppression or prevention of corruption** – It's not just that three preventive activities are going to be essentially developed in by-laws; their parts that have been defined by law are also unclear and/or contradictory. Thus, the integrity test is envisaged as "an instrument in the fight against corruption"<sup>14</sup> which implies simulation of real situations identical to the operating activities of the person being tested; the tested person is obliged to resolve said situation, providing insight into his reaction and acts.

At this point, the legislator introduces the concept of *suppression of corruption*, as opposed to the concept of *prevention of corruption* from the title of Article 230 and its Paragraph 2. This opens up a dilemma about the content and purpose of newly prescribed measures - is their application aimed at preventing corruption or suppressing it? Suppression can be interpreted to also include prevention, but the use of two different terms in just one provision gives the impression that these are two different concepts – one that is important at the moment when corruption has not yet occurred (prevention), and the other, when corruption activity is either in preparation or has already occurred (suppression).

This is also of crucial importance in answering another question which cannot be found in the law – who are the employees of the MoI who will be subjected to testing? It is unclear, if the purpose of the testing is prevention, whether random testing will be introduced or if all the employees will be tested. Conversely, in the case of suppression of corruption, whether there will be a targeted integrity test for certain employees where there is already some suspicion of corrupt behaviour.

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<sup>13</sup> Article 230, Law on Police, "Official Gazette of the Republic of Serbia," No. 6/2016.

<sup>14</sup> Article 230, Paragraph 4, Law on Police, "Official Gazette of the Republic of Serbia," No. 6/2016.



The subject of the testing and the concept of integrity – The statutory solution is also contradictory in defining the subject of the testing - in Paragraph 1, the subjects of control are the organisational units of the Ministry, while in Paragraph 4 it is unambiguously stated that the subjects are the employees. Another issue remains open: if the subjects of control are the organisational units, who will be controlled as representatives of units? Heads of the units or all the employees; or maybe there is a third solution.

The concept of integrity used in the statutory provision is also unclear--what constitutes integrity (is it simply a decision to not participate in corruption, or it is a broader concept?). This is especially true if we look at the provisions of the law and the publicly available information that IAS is “applying the integrity test as an instrument in the fight against corruption, including the verification of lifestyle.”<sup>15</sup>

A closer determination of the content of the test is also missing (we know only that it must simulate “realistic situations, identical to the operational activities of the persons tested”), as is the expected and desired response of the person subjected to the test, the consequences of the results of the test and the handling of the collected material.

**Notification of the testing** – It is equally unclear whether or not the testing will be announced to the employees of the Ministry. Specifically, the law contains a provision stating that “there is no obligation to previously notify about the testing the organisational unit in which the tested employee works.”

The description of the integrity test from Article 230 Paragraph 4 indicates only that the information on the testing does not necessarily have to be shared with the organisational unit of the employee. There is no prohibition of informing the employee, and therefore there are no grounds to deny him/her the information about the test. However, it appears from the statements of MoI officials that the confidentiality of the testing happens to be the main novelty brought by the new solutions contained in the Law on Police.<sup>16</sup>

The provision mentions notification of the organisational unit of the employee, but it does so in a way that leaves IAS “without an obligation” to submit information about the testing to said unit. It follows that IAS, therefore, is not obliged to provide information about this action; on the other hand, neither is it prohibited from sharing it. As this is the case, it is also necessary to answer the following question: in which cases will the organisational unit be notified, and who will be deciding regarding this issue?

Because of all this, the main intention of introducing the integrity test remains insufficiently clear even at the level of the law. The concept of integrity is unclear, and so is the subject of the testing, who and under which conditions is to be notified about the testing, the consequences of the test results, the use and storage of collected material. The content and scope of the new anti-corruption

<sup>15</sup> See the official web page of the MoI: <<http://goo.gl/3dhezK>>

<sup>16</sup> “Why the MoI is introducing the integrity test”, Politika, 19 January 2016 <<http://goo.gl/SWeYdt>>



measures will be further elaborated in a by-law. This is problematic because the concept of the new measures is unclear and it is therefore going to be difficult to develop. In addition, there is a problem of aligning this solution with the international obligations and the highest domestic legal act.

## **International Obligations in the Fight against Corruption**

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The Republic of Serbia has ratified the Criminal Law Convention on Corruption<sup>17</sup> and the UN Convention against Corruption.<sup>18</sup> Both conventions establish the obligation of the states to implement coordinated policy to prevent corruption which promotes the participation of society in the fight against corruption. This policy should also reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Both laws on convention ratification establish, using almost identical text, the obligation to form specialised bodies to combat corruption.<sup>19</sup>

These authorities need to be (1) specialised; (2) independent and not susceptible to pressure; (3) have sufficient financial resources to operate; and (4) the staff of these bodies should be trained to fight corruption.

It is necessary to find out whether IAS, which was established by the Law on Police as the authority in charge of combating corruption, meets the prescribed requirements.

**Speciality and training for the fight against corruption** – The sector which, inter alia, will be in charge of organising and conducting the integrity tests, has particular powers set forth in the law. It controls the legality of the work of police officers and other employees of the Ministry, especially with regard to respect for and protection of human and minority rights and freedoms in the performance of official duties, and prevention of commission of criminal offences, including corruption.

So, it has a wide jurisdiction and is not particularly specialised and geared towards the prevention of corruption. This was confirmed by the Report of the IAS for the year 2015,<sup>20</sup> in which it was stated that the Sector currently has 82 employees, without listing their specialisation in particular jurisdictions. Also, the report provides information that the Sector will implement the integrity test in the future; however, there is no evidence, in the section on the development of human and technical capacities, that all or some employees have been specially trained to fight corruption. “Development of procedures for the implementation of the test and the training of staff to conduct the test (creation of sce-

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17 “Official Gazette of the Socialist Republic Yugoslavia – International Treaties,” No. 2/2002 and “Official Gazette of Serbia and Montenegro – International Treaties,” No. 18/2005.

18 “Official Gazette of Serbia and Montenegro – International Treaties,” No. 12/2005.

19 Article 20 of the Law on Ratification of the Criminal Law Convention on Corruption and Article 36 of the Law on Ratification of the UN Convention against Corruption.

20 Internal Control Sector. 2016. *Report on the work of the Internal Control Sector 2015*. Belgrade: Ministry of Internal Affairs, p. 13. <<http://goo.gl/IE5xHf>>



narios, specific situations for administering the test)" is envisaged as an activity for the year 2016. If the training plan is fulfilled in 2016, it will be in accordance with the requirements of international law.

Still, it is not clear how many employees will undergo this training (only some, or all of them), which is compounded by the fact that IAS is not a body specialised to engage in the fight against corruption. The requirement of the Criminal Law Convention is such that the speciality requirement is fulfilled even if special entities are charged with battling corruption. Thus, it could also be fulfilled if the Department for the Prevention of Corruption and Verification of Financial Situation, as a narrower and special body within the IAS, was placed in charge of this issue exclusively in the future.

**Independence and financial security** - When it comes to the independence in decision-making, IAS is not independent in the way required by the Conventions ratified by the Republic of Serbia. Namely, the Chief of the Internal Control Sector is accountable for his work and the work of IAS to the Minister of Internal Affairs, who is a political figure. In addition, the Minister provides the Sector with guidance and binding operational instructions, also controlling the work of employees in IAS.<sup>21</sup> Because of this institutional link between the Minister and IAS, it cannot be considered that the Sector and its employees can make operational decisions autonomously.

As regards the financial conditions, the Report on the Operations states that IAS, among other things, does not have its own premises and that it is working in inadequate facilities in downtown Belgrade, Niš and Kragujevac; that there is no sufficient space for conducting interviews and special investigative actions; that the server holding IAS data is inadequately placed; and that the equipment is outdated or missing. From all this we can only conclude that IAS does not have sufficient financial resources to carry out its statutory duties. The fact that the Report states that the means for overcoming these problems will be sought from the European Union funds is of utmost significance, given that the financial security relates to the need for regular and anticipated financing of IAS, not ad hoc funding.

### The Integrity Test in Domestic Law

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New preventive measures to fight corruption in the police are aimed at restricting certain rights of employees in the Ministry; this would not be a problem if these restrictions were in line with the requirements posed by the Constitution of Serbia for such limitations.

**Restriction of human and minority rights** – The Constitution provides that restrictions on human and minority rights must be established by law, and that this may be done only if a restriction is permitted by the Constitution. In addition, the restriction must be established for a purpose which is allowed by the Constitution, to the extent which is necessary to meet said purpose in a democratic society without encroaching upon the substance of the guaranteed rights. The competent authorities are also obliged, when restricting the rights, to take into account the substance of the right that is be-

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<sup>21</sup> Article 232, Law on Police, "Official Gazette of the Republic of Serbia," No. 6/2016.



ing restricted, the pertinence of restriction, the nature and extent of the restriction, the relationship between the restriction and its purpose, and whether there is a way to achieve the purpose of the restriction using less restrictive means.<sup>22</sup> These constitutional guarantees are especially important. They protect individual freedoms and determine the limits and criteria for actions of the authorities in the field of human rights.<sup>23</sup>

In the case of the integrity test, the following rights may be restricted in relation to the currently known legal concept: inviolability of place of residence, confidentiality of letters and other means of communication, the right to work, the right to equal protection and legal remedy, and the right to a fair trial. There is no doubt that these rights will not be restricted by law, as the Constitution requires, but by a by-law. Therefore, we cannot assess other constitutional requirements, such as whether the purpose of the restriction is allowed in its content and scope, whether the restriction infringes upon the essence of the guaranteed rights, and whether it can be achieved by less restrictive means, because such an assessment requires the fulfilment of the first condition - that the restriction be provided by a law.

**Personal Data Protection** – In the process of implementation of planned preventive activities it will be necessary to collect and utilise various personal data, which can also be provided only by law. Specifically, the Constitution requires that the collection, keeping, utilisation and processing of personal data be governed by law. It also prohibits the use of such data beyond the purposes for which they were collected, except to conduct criminal proceedings and protect the security of the Republic of Serbia, in accordance with the law.<sup>24</sup> The Constitution also requires that everyone be informed of the data collected about his/her person and of the right to judicial protection in the event of their abuse.

In the case of the integrity test, the collection, keeping, utilisation and processing of personal data has not been regulated by the Law on Police. Namely, Article 252 of the Law on Police stipulates that the Ministry will regulate the keeping of records in a separate law. This, however, has yet to happen. In the process of adoption of this new law, attention should be paid to the fact that, regardless of further development of the concept of the integrity test, the collection, keeping, utilisation and processing of personal data obtained through its implementation should be regulated. Article 230, which pertains to the integrity test, stipulates that a special law will regulate the keeping of records on the risks of corruption and the financial situation of the members of police management. The data collected by way of testing is not mentioned.

**The integrity test and the criminal proceedings** – It has been found that the new institutes introduced by the Law on Police contain many uncertainties and ambiguities. However, from the available

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22 Article 20, Constitution of the Republic of Serbia, "Official Gazette of the Republic of Serbia," No. 98/2006.

23 Marijana Pajvančić. 2009. *Commentary of the Constitution of the Republic of Serbia*. Belgrade: Konrad Adenauer Foundation. <<http://goo.gl/J8N8SE>>

24 Article 42, Constitution of the Republic of Serbia, „Official Gazette of the Republic of Serbia” No. 98/2006.



statutory material, and the statements of the representatives of the MoI, it is clear that the integrity test will continue to develop in the direction of the confidentiality of operations carried out by IAS, which will tempt the employees of the Ministry to act contrary to their legal powers and/or perform acts that are corruptive in nature.

The statements of representatives of the MoI from January 2016 show that IAS will perform “secret investigative work to discover abuse in the police” and that it will try to “bring their colleagues into temptation by offering them bribes”.<sup>25</sup> Something similar was announced by the Chief of IAS back in 2012; at that time he said that the employees in the Sector will act as “undercover investigators of sorts” and that they will be “equipped with audio and video resources for proving the offences”.<sup>26</sup> Such statements speak clearly about the direction in which the integrity test will be developed in a by-law. What is important to consider is how such a concept of the test relates to the Constitution and the solutions contained in the Criminal Procedure Code (CPC).

The CPC defines the police powers in preliminary investigation procedure,<sup>27</sup> which allows – to some extent – the definition of the procedure applied by IAS while implementing the test; these powers include actions which the police officers can take upon the orders of the public prosecutor, and those they can take independently if there is suspicion that a criminal offence which is prosecuted *ex officio* has been committed. The actions that the police can take independently, however, do not include special investigative actions of undercover investigators (or any other special investigative actions); these can be taken only upon a court decision based on a reasoned request submitted by a public prosecutor.<sup>28</sup>

The Code also stipulates the additional conditions under which it is possible to apply special investigative actions involving an undercover investigator - this is only possible if evidence for the prosecution cannot be collected by using other special investigative actions, or if their collection would be much more difficult without them. Thus, the special investigative action known as ‘undercover investigator’ is to be used only as a last resort, even among the special investigative means.

Knowing that other special investigative actions are applied only if regular investigative actions cannot be used to collect evidence or if their collection would be much more difficult without them, we can conclude that the institute of undercover investigator is used only in extremely rare and particularly justified cases.

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25 “Why MoI is introducing the integrity test”, *Politika*, 19 January 2016 <<http://goo.gl/SWeYdt>>

26 “Candid camera for police officers susceptible to crime”, *Vesti [News] online*, 19 April 2012 <<http://goo.gl/M62kpV>>

27 Article 286, Criminal Procedure Code, “Official Gazette of the Republic of Serbia,” No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

28 Articles 183-187, Criminal Procedure Code, “Official Gazette of the Republic of Serbia” No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.



The Code proceeds with the restrictive conditions required for the application of this institute, stating that a judge's reasoned order concerning the implementation of a measure must contain: information on the persons and groups to which it is to be applied; a description of possible criminal offences; and the manner, scope, location and duration of the special investigative action. Also, the engagement of an undercover investigator may last only as long as it is necessary to gather evidence, but not longer than one year. All these solutions are in line with the constitutional rule stating that human and minority rights may be somewhat restricted if this serves the purpose of the restriction.

For all the above reasons it is not clear why the Mol did not rely on the already existing norms of the CPC. Under certain conditions, they allow for the collection of evidence by way of use of special investigative actions, including those involving an undercover investigator. The integrity test, as it was designed by the Mol, and as it was defined to some extent by the Law on Police, in no way fits into the allowed framework of restriction of human and minority rights and the existing rules applied in criminal proceedings.

As regards the use of evidence obtained in the course of integrity tests, for previously stated reasons they should be treated as illegally obtained evidence<sup>29</sup> and as evidence contrary to the rules on confidentiality of data contained in the CPC.<sup>30</sup>

According to the CPC, the Internal Control Sector, which is directly interested in preventing unlawful behaviour in the Mol, is not allowed to propose the application of special investigative actions. This proposal can be submitted to the court only by the prosecutor. This solution can be criticised, and it can be proposed that IAS, instead of applying the integrity test, be given a more important role in the process of approval of special investigative actions. Such an approach exists in Montenegro; it enabled the police to request special measures in certain cases by submitting a reasoned request.<sup>31</sup> Such a change would be within the limits of what is permitted by the Constitution and the law, and it would also allow the Sector to play a greater role in the prevention and detection of unlawful behaviour in the Mol.

## **Earlier Work of the Internal Control Sector and the Integrity Test**

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From the data contained in the IAS's Report it may be concluded that in 2015 the Sector's police employees have applied special investigative actions from the CPC against a total of 82 persons. The special investigative actions applied were: covert surveillance of communications, covert following of persons, covert recording, and simulated affairs.

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29 Articles 82 and 84, Criminal Procedure Code, "Official Gazette of the Republic of Serbia" No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

30 Article 165, Criminal Procedure Code, "Official Gazette of the Republic of Serbia" No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

31 Article 159, Montenegrin Criminal Procedure Code, "Official Gazette of Montenegro" No. 57/2009.



These data suggest that methods to influence prevention and detection of crime, including acts of corruption, are available to IAS even within the existing legal framework. These methods are of such nature that the persons to whom they are applied have no knowledge of them. However, these measures are proposed by the prosecutor and approved by the court, in accordance with the law.

If we know that such methods of detection of criminal acts and their perpetrators already exist, and that IAS is already using them, it is not clear why the decision was made to introduce the integrity test as if it were some new, special investigative action, especially if we know that it does not meet the requirements of special investigative actions under the Constitution and the law.

It is obvious that lawful mechanisms to detect corruption already exist; therefore, further development of the integrity test ought to be regarded in the context of prevention – which happens to be missing. The integrity test can perform this task only as an announced verification of knowledge. Before such a test is administered, the employees must be provided with the knowledge that will be verified, and they must also be informed that the Ministry considers the integrity of its employees very important.

Through the training, the employees should also receive information as to what integrity actually is; what kind of behaviour is expected of them; what types of situations they can encounter at work; and how they should react to them. Without this, one cannot expect satisfactory test results, and only once all this has been done can we talk about IAS working on the prevention of corruption and the lack of integrity in the police. If these preventive measures fail to fulfil their purpose, the Sector, the prosecutor's office and the court will still have at their disposal the solutions that are already prescribed by the CPC.



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## A COMPARATIVE REVIEW OF INTEGRITY TESTING

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*There is no single way to test the integrity of police officers. The test is most often used to prevent corruption in the police and to initiate disciplinary or criminal proceedings.*

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### Australia

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In Australia, law enforcement is carried out by eight police agencies that operate at the state and federal level. The Australian Commission for Law Enforcement Integrity describes the integrity testing as a secret observation of an employee in a situation that is similar to or the same as the real one, which serves to test the employee's compliance with the law or the principles of police service. The subject of the simulation "passes" the test if his/her behaviour is in line with the law and the rules of the service. S/he "fails" the test if it is found that s/he had engaged in corrupt or criminal activities.<sup>32</sup>

The integrity test is regulated by the law governing criminal procedure and further specified in the Law on Police.<sup>33</sup> Any employee of the Australian Crime Commission, the Australian Federal Police, and the Immigration and Border Protection Department may be subjected to integrity testing. Testing is initiated only when there is suspicion that employees of these institutions have committed unlawful actions, and it is approved only when there is reasonable suspicion that an employee has committed, is currently committing, or is likely to commit a crime that is punishable by imprisonment of 12 months or more.<sup>34</sup> Only targeted integrity testing is applied in Australia; random testing is prohibited because of the negative consequences for the human rights and the freedom of the persons tested.<sup>35</sup>

Integrity testing is approved by the chief executive of the institution in which the tested person is employed. For example, testing the integrity of a police officer from the Western Australia Police is approved by a commissioner who has the same powers as the Director of Police in Serbia. However, said authority of the commissioner does not apply to crimes of corruption such as acceptance of bribery. In these circumstances, the testing is approved by the Australian Commission for the Integrity of Law Enforcement Bodies, an internal control body within the Ministry of Justice, which investigates serious cases of corruption and has the right to use covert methods to collect data.<sup>36</sup> The Commis-

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32 Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity. 2010. *Inquiry into Integrity Testing*. Canberra: Parliament House, p. 13.

33 See: Crimes Act 1914 – SECT 15JA: Integrity Testing. <<http://goo.gl/Kyb0NJ>>; Police Act 2010 – Part 10A: Integrity Testing of Police Officers. <<http://goo.gl/cKbPCG>>

34 Australian Government. 2015. *Integrity Testing: Instruction and Guideline*. Canberra: Department for Immigration and Border Protection. <<https://goo.gl/ZcJ4L7>>

35 Tim Prenzler, Carol Ronken. 2001. "Police Integrity Testing in Australia". In: *Criminology and Criminal Justice*, 1(3), pp. 319-342.

36 See: <https://www.aclei.gov.au/>



sion's work is regulated by a special law,<sup>37</sup> and the Commission is accountable to the Parliament for its work.

The Chief of Police in Australia is obliged to submit quarterly reports to the Commission regarding any tests that the Chief has approved. The report must be prepared in accordance with the guidelines provided by the Commission. Information pertaining to integrity testing can be disclosed only for the purpose of conducting disciplinary proceedings or other legal actions in connection with the tested subject, and can under no circumstances be used for other purposes. This serves to prevent potential misuse of data obtained during the testing. In the event that the subject fails to "pass" the test, sanctions are provided under the civil servants' code of conduct, the internal procedures, or the Criminal Code.

## **The Czech Republic**

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The Czech police have more than 40,000 officers who are part of the Ministry of Interior Affairs. Integrity tests have been carried out for seven years now. In the beginning they were applied by the Inspectorate of the Ministry, as the body performing internal control of the police. The situation changed in 2011, with the establishment of the General Inspection of Security Forces which is organisationally placed within the Czech Government and whose work is regulated by a special law.<sup>38</sup> The Inspection is in charge of detecting and investigating crimes committed by members of the police, prisons and customs, independently or in cooperation with civilians. It was formed because there was a need for an operationally independent and professional body which would control not only the police but also the prisons and customs.<sup>39</sup> In addition, since the establishment of the Czech police in 1991 until 2011, the internal control was fragmented and the competences involving control and supervision of the police were assigned to different organisational units within this service.<sup>40</sup>

The Inspection is responsible for integrity testing and the procedure is governed by a secondary regulation enacted by the Director of the Inspection.<sup>41</sup> Currently, the Inspection has approximately 250 employees with police powers who can initiate an integrity test by submitting a request which

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37 See: Law Enforcement Integrity Commissioner Act 2006. <<http://goo.gl/28XoiP>>

38 Zákona o Generální inspekci bezpečnostních sborů, 341/2011. Available only in the Czech language, <<http://goo.gl/OJvqaN>>

39 Lt. Col. Mgr. Martin STROUHAL and Lt. Col. Mgr. Martin STROUHAL, General Inspection of Security Units of the Czech Republic, Methodics and Prevention Division. 2015. Presentation on the General Inspection of Security Forces presented at the Roundtable Discussion 'Integrity Testing as an Anti-Corruption Measure in Police'. Council of Europe, 25 November 2015, Belgrade. <<https://goo.gl/eHbY4Y>>

40 Council of Europe. 2015. *Questionnaire for the preparation of the Opinion No. 10 of the Consultative Council of European Prosecutors on the relationship between prosecutors and police and/or other investigation bodies*. Strasbourg, 27 February 2015. <<http://goo.gl/yiiMfA>>

41 Regulation of the Director No. 22/2015 on Implementation of Integrity Tests; Regulation of the Director No. 23/2015 on Adjustment of Details of Integrity Testing and Operative Documentation.



is approved by the prosecutor's office. The entire procedure is audio and visually documented, and the material is preserved in the official records of the Inspection. If the subject of testing commits an offense in the course of the procedure, the representative of the Inspection is immediately notified thereof, and the record of the procedure is forwarded to the organisational unit of the Inspection in charge of creating a record. Notification and creation of a record do not have to occur immediately after the completion of the test if this can jeopardise the ongoing criminal investigation. Such a solution makes sense, viewed from the perspective of gathering information and evidence, and it also prevents leaking of information. It is important to note that the law prohibits any endangerment and violation of human rights and freedoms during testing. Once the risk connected to the criminal investigation no longer exists, the tested person must be notified and a record must be created.

It is interesting that external subjects, such as journalists, citizens, civil society or security sector institutions are also allowed to initiate testing. In these cases the request for testing is forwarded to a special organisational unit of the Inspection, which examines the request and assesses whether it is possible, and necessary, to initiate the process of testing. If the answer is positive, the process continues the same way as if it were a member of the Inspection who had initiated the testing. The integrity test is carried out by the special executive department of the Inspection, based on the plan describing the simulation. The testing is followed by an evaluation. The evaluation is not performed by the executive department of the Inspection, which is good as it allows for an objective assessment of the entire case. If after the testing it is found that the tested person has not committed an offence or criminal act, the case file is preserved. Otherwise, the disciplinary, misdemeanour or criminal proceedings are initiated, depending on the severity of the offence.

It is important to note that in the Czech Republic the integrity test is not implemented as a main institute of criminal proceedings i.e. as other methods of covert data collection that are regulated by the Criminal Procedure Code. However, based on case law—which is why the law regulating criminal procedure was amended—the prosecution may use the material obtained from the testing as evidence, but only under certain restrictive conditions.<sup>42</sup> In the Czech Republic the integrity test is most often applied to suppress corruption in the traffic police and to determine the integrity of persons employed by the police, the prisons and the customs. In some cases it is also used to prevent information leaks from the police. The work of the Inspection is controlled by the Parliament.

## London

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The London Police currently employs more than 30,000 officers and it is the largest law enforcement body in Great Britain. It has been performing the integrity test for nearly two decades. Her Majesty's Inspectorate of Constabulary, as an independent body that evaluates police work in the UK,

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<sup>42</sup> Lt. Col. Mgr. Martin STROUHAL and Lt. Col. Mgr. Martin STROUHAL, General Inspection of Security Units of the Czech Republic, Methodics and Prevention Division. 2015. *Presentation on the General Inspection of Security Forces presented at the Roundtable Discussion 'Integrity Testing as an Anti-Corruption Measure in Police'*. Council of Europe, 25 November 2015, Belgrade. <<https://goo.gl/eHbY4Y>>



recommended in 1999 that all police departments must ensure the integrity and high professional standards,<sup>43</sup> after which began the process of development of the integrity test. This initiative was also in accordance with the principles of the London Police's policy of prevention of and fight against corruption from 1998.<sup>44</sup> Integrity testing was described in the late '90s as a new methodology in the fight against corruption, which included a number of regular covert operations. It was decided that there will be no pre-determined annual quotas i.e. that the number of performed tests would not be planned in advance.<sup>45</sup>

The London Police applies the so-called Intelligence Led Integrity Testing, which is essentially a form of targeted testing. As in Australia, random testing is prohibited because of possible misuse. The integrity test is defined as the process of creating a realistic situation aimed at provoking a reaction of an individual or a group and thus making it possible to assess their actions, behaviour and professional standards. The procedure is initiated based on reliable information indicating that there is suspicion that a police officer is involved in actions that are illegal or damaging to the reputation of the police.<sup>46</sup> Testing must not undermine the morale of the police and its implementation must be in accordance with the human rights and the laws that govern investigative powers, records, disciplinary, misdemeanour and criminal proceedings, as well as the work of the police.

The implementation of the integrity test is subjected to the same rules that apply to the implementation of investigative techniques involved in covert gathering of information, which are regulated in the UK by a special law.<sup>47</sup> This means that the request of the internal controller of the London Police for testing, which includes conventional surveillance techniques, is approved by the Head of the London Police. Judges of the Office of Surveillance Commissioners<sup>48</sup> must approve testing that involves intrusive methods of data collection, which is a good solution for better external control of the process. The department for internal control and professional standards of the London Police is in charge of initiating the testing.

The covert operations and undercover investigators' unit plans, designs and implements the integrity test, acting on the basis of the law governing investigative powers. The prosecutor's office becomes involved in the process if undercover investigators are engaged in the testing. There is also cooperation with an independent commission for complaints against the work of the police. Testing is super-

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43 HM Inspectorate of Constabulary. 1999. *Police Integrity: Securing and Maintaining Public Confidence*. London: Home Office, p. 71. <<https://goo.gl/aiNOVe>>

44 See: Metropolitan Police Service. 1998. *Corruption and Dishonesty Prevention Strategy*. Special Notice 36/98 from 16 December. <<http://goo.gl/kDAGGX>>

45 Narelle Willingham. 2014. *To Undertake Specialized Training in Integrity Testing*. Canberra: The Winston Churchill Memorial Trust of Australia, p. 14.

46 Phil COLLINS, Directorate of Professional Standards, Metropolitan Police, UK. 2015. *Presentation on Integrity Testing in UK Law Enforcement*. Council of Europe, 25 November 2015, Belgrade. <<https://goo.gl/eHbY4Y>>

47 See: Regulation of Investigatory Powers Act 2000. <<http://goo.gl/YGckA>>

48 See: <https://osc.independent.gov.uk/>



vised annually by the police Inspectorate when assessing police work aimed at reducing corruption in the police.<sup>49</sup> Good test results were achieved in the prevention of information leaks and theft during police interventions, and they are now used as material for the analysis of corruption risks.

## New York

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The New York Police Department employs nearly 35,000 uniformed police officers. The internal control (NYPD Internal Affairs Bureau) defines integrity testing as the creation of virtual situations or conditions whose objective is to provoke an illegal reaction of the person subjected to the test. The person that is being tested is allowed to freely perform or not perform his/her work assignment in accordance with the regulations and guidelines of the police department in which s/he works. More specifically, the integrity test serves to test the behaviour of a police officer on a typical work assignment that has been created by the internal control system; by observing and assessing, the internal control determines the morality and integrity of the police officer, and his/her performance in general.<sup>50</sup>

The idea of integrity testing arose after the publication of the famous reports of the Knapp Commission in 1970<sup>51</sup> and the Mollen Commission in 1994.<sup>52</sup> In 1997, the Unit for the Prevention of Corruption and Education adopted the anti-corruption strategy which confirmed the implementation of targeted and random integrity testing.

Testing is carried out based on the guidelines that were developed by the internal control and are updated every three years. According to the report of the Anti-Corruption Commission<sup>53</sup> - the external controller of the application of anti-corruption measures in the police - the subjects of targeted testing are pre-determined, and testing is usually carried out as part of a specific criminal investigation, or when there is reasonable suspicion that a police officer had committed an illegal act. Random tests are carried out in order to reduce corruption trends that have been identified based on a statistical analysis, and are not intended for specific individuals.<sup>54</sup> The objective of the random testing is to contribute, by repeating the test every so often, to reducing the risk of corruption in certain parts of the police or in police stations.

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49 See the reports for 2014 at: <<http://goo.gl/oHCGTC>>

50 KPMG Peat Marwick LLP. 1996. *Report to the New York City Commission to Combat Police Corruption*. New York: New York City Police Department, p. 5.

51 The Knapp Commission Report on Police Corruption. <<https://goo.gl/Gah2Ma>>

52 The Mollen Commission Report on Police Corruption. <<http://goo.gl/Xz3H5t>>

53 See: <http://www.nyc.gov/>

54 Commission to Combat Police Corruption. 2000. *Performance Study: The Internal Affairs Bureau's Integrity Testing Program*. The City of New York, p. 9. <<http://goo.gl/SchQem>>



There is no legal framework governing the use of the integrity test in the NYPD, nor are there any publicly available data on the number of tests that have been carried out. The anti-corruption strategy of 1997 highlights that more than a thousand tests, involving more than 2,000 police officers, have been carried out in 1995 and 1996.<sup>55</sup> After this, the Anti-Corruption Commission evaluated the testing program and recommended to increase the number of targeted integrity tests and reduce the number of random ones. The entire process is regulated by an internal rulebook in which it is pointed out that the simulation scenario is to be developed only after all the data has been collected, and that it should reflect the illegal action. The investigators conducting the testing are expected to design a simulation scenario which is as simple as possible, but which is also plausible in a police environment. In addition, while applying the test, the investigator must bear in mind its legal consequences, security, material resources, and time.

### Romania

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Romanian police is part of the Ministry of Interior Affairs. The integrity of police officers has been tested since 2002, involving a method of identification, assessment and warnings about the risks of corruption.<sup>56</sup>

Much like in other police forces, testing in Romania involves the creation of virtual situations that are similar to the everyday work of police officers, the aim of which is to covertly gather information about their behaviour. The testing serves to prove the involvement of police officers in corrupt activities, but also to increase the perception that employees can be caught doing corrupt acts. The principles of testing are regulated by law,<sup>57</sup> while the procedure has been specified in a by-law.<sup>58</sup>

The testing is carried out by the Anticorruption General Directorate, a unit of the internal control which, organisation-wise, belongs to the Ministry of Interior Affairs. In the period from 2002 to 2011 the testing was performed based on the secret orders of the Minister of Internal Affairs, in which he described the testing methodology. This method of testing has been criticised during the process of European integration because of its lack of transparency and increased opportunities for misuse. The practice was changed by the enactment of the law of 2011, which governs the operations of the Anticorruption General Directorate and which enabled public access to the testing methodology.

The law stipulates that testing is to be carried out with respect for human rights and freedoms, but

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55 Narelle Willingham. 2014. *To Undertake Specialized Training in Integrity Testing*. Canberra: The Winston Churchill Memorial Trust of Australia, p. 19.

56 Pro Universitaria. 2013. *Best Practices Manual on Strengthening Regional Cooperation to Prevent and Combat Corruption at the EU External Boundaries*. Bucharest: Pro Universitaria. <<http://goo.gl/IBnKVt>>

57 Anticorruption General Directorate, Ministry of Internal Affairs. *Professional Integrity Testing: Romania Approach*. The 13th EPAC/EACN Professional Conference, Krakow, Poland, 13 of November 2013.

58 Law 38/2011 on modifying the Emergency Government Ordinance No. 30/2007 on the organization and functioning of the Ministry of Internal Affairs.



also for the professional integrity of the tested subjects. During testing it is forbidden to take actions that affect the authority, reputation or function of the tested person, or to provoke said person to commit misdemeanour or criminal offences. The subject of the testing may be any one of the employees of the Ministry of Interior Affairs; there are, however, selection criteria. It is first determined that the subject of the testing works in the section of the police force which is known, based on analysis, as having a high risk of corruption. Then, the heads of organisational units of the Ministry inform the General Directorate that there is suspicion that certain persons are not acting in accordance with the law and within their powers. Finally, corruption may also be reported by citizens, which may be viewed as grounds for testing.

There are four stages of testing that are approved by the head of the General Directorate based on a request specifying the subject of testing as well as other participants involved in the simulation, and containing a test implementation plan. At the beginning, the test plan is prepared and solutions to failures that could occur during the process are analysed based on the collected documentation that served as grounds for the decision to subject a particular person to the integrity test.

What follows is the logistical preparation of the test, including the description of the virtual situation consisting of two or more scenarios adapted to the behaviour of the targeted employee, and the provision of technical equipment which is going to be used to record the simulation as well as other materials necessary for the testing (money, valuables, personal ID cards, drivers' licenses). A special record is made of all this. The test coordinator manages the entire process and after the completion of the test plan prepares a report for the management of the Directorate General. The report also contains proposed further action. Depending on the results of the test, the Directorate General suggests the initiation of either criminal or disciplinary proceedings.



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