

## **CORRUPTION MANIFESTATIONS IN LITHUANIA'S POLICE**

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**Annotation** Corruption exists where the government is. The manifestations of corruption are everywhere where the government and its decision-making institutions exist. Scientists started showing interest in the problem of corruption only in the second part of the decade when Lithuania became independent. The criminal acts of corrupt character in the act of corruption prevention of the Republic of Lithuania are described as bribery, influence marketing, a bribe and other criminal acts if they are rendered in the public administrative sector or extending public service aiming for profit for themselves or other parties, such as corrupt practices or going beyond their commission, misuse of official authority, falsification of papers or measures, fraud, wealth appropriation or dissipation, revelation of a service secret, disclosure of a commercial secret, introduction of false information about income, profit or wealth, capital or money legalisation, which are obtained in criminal manner, interference in the proceedings of a public official or a person who fulfils public administrative functions or the rest criminal acts which result in taking or trying for a bribe, bribery or covering up for bribery. Comparing Lithuania with other 176 countries (if we evaluate a country from 0 (highly corrupted) to 100 points (very clear)), it was valued at 54 points in 2012 and took the forty-eighth place. As a result, further to this article the author is going to pay most attention to manifestations of corruption in Lithuania's police.

Keywords: police, police officer, corruption, corruption manifestations, immunity.

### **INTRODUCTION**

According to the index of corruption's conception Lithuania compared with other 176 countries in the world if we evaluate a country from 0 (highly corrupted) to 100 points (very clear) was valued at 54 points in 2012 and took the forty-eighth place.<sup>1</sup> Viewing this index it is evident that corruption is the real danger to humanity and has to be one of the underlying aspects in Lithuania's public sector. With reference to the corruption map<sup>2</sup> of Lithuania (in the year 2011), which evaluated the spread of corruption in various institutions, all the groups of examinees assigned the police<sup>3</sup> to one of the most corrupt institutions. Therefore **the purpose** of this article is to analyse the concept of corruption. **Methods.** The author has

<sup>&</sup>lt;sup>1</sup> Corruption Perceptions Index 2012: <u>http://cpi.transparency.org/cpi2012/results/</u>: connected 2013-10-12.

<sup>&</sup>lt;sup>2</sup> The 7th of June in 2012, Lithuania's Police General Commissioner's decree No. 5-V-448 "In consequence of the confirmation of means' scheme of the fight against corruption in the traffic police in the year 2012 - 2014"

<sup>&</sup>lt;sup>3</sup> The 7th of June in 2012, Lithuania's Police General Commissioner's decree No. 5-V-448 "In consequence of the confirmation of means' scheme of the fight against corruption in the traffic police in the year 2012 - 2014"



applied the scientific literature and statistical analysis. Although the manifestations of corruption can be found in other national institutions, however, according to the author it is very important to discuss the main problems related to the manifestations of corruption in this statutory institution. Our state has entrusted specific functions to Lithuania's Police which is not only to maintain order within the state, secure people and society, but also to prevent from criminal actions, detect and investigate them. As a result, manifestations of corruption in police institution have degraded their work in regard to the society and have negatively affected society's trust in the police.

## THE CONCEPT OF CORRUPTION

The manifestations of corruption are everywhere the government and its institutions which make decisions exist. Corruption exists where the government is. Therefore we can find articles even in the Statute of the Great Duchy of Lithuania in 1529 which defined punishments for documents falsification and for the judges who practised on given power. It is determined by the fifth article of the first chapter of the Statute<sup>4</sup> as "If someone falsified our papers or stamps or consciously had the use of them, every falsification would be punished by fire". The 21<sup>st</sup> article "Nobody can take more judicial money than it is determined" of the sixth chapter "About judges" says "if any voivode, elder, holder or judge took more judicial money in contrast to those our regulations, that person would be supposed to repay the party in reward and pay a fine of twelve rouble pennies to the king". As a result, it can be maintained that corruption is deep-seated and prevents from appropriate and professional work since corruption takes its root where people are indifferent to their work. Scientists started showing interest in the problem of corruption only on the second part of decade when Lithuania became independent. With reference to international experience in 1997 two jurists as Pivoriūnas A.<sup>5</sup> and Jočienė D.<sup>6</sup> tried to define the conception of corruption, its varieties, legal persecution practice of corruption which was underway by states. In 2001 those questions were examined in terms of criminology studies by Justickis V. and Raudonienė A.<sup>7</sup>.

<sup>&</sup>lt;sup>4</sup> First Lithuanian Statute, <u>http://lietuva.cc/lietuvos-istatymai-ir-statutas/</u>: connected 2013-10-12.

<sup>&</sup>lt;sup>5</sup> Pivoriūnas A. Crimes in public office and corruption – the problem and its decisional methods // Justitia. 1997. No.6

<sup>&</sup>lt;sup>6</sup>Jočienė D. Corruption in post-communist countries // Law questions. 1997. No. 1

<sup>&</sup>lt;sup>7</sup> Raudonienė A. Modernising alternation of classic corruption definition in Lithuania // Jurisprudencija. 2002.

T.32(24); Raudonienė A. The analysis of corruption categories // Jurisprudencija. 2003. T.41(33).



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Corruption is defined as illegal profit under favour of a position and the bribe of an officer or player in the modern Lithuanian dictionary<sup>8</sup>.

Corruption in the national programme<sup>9</sup> of the year 2011 - 2014 of a fight against corruption of the Republic of Lithuania is defined as any behaviour of the people who work in civil service (such as a politician, judge, officer, civil servant and other equal characters) which does not correspond to their authority or morals defined in juristic bills or encouragement of such behaviour on purpose to gain some profit for themselves or other people and thus to the detriment of the interests of state and citizenry.

Corruption is a complex problem which requires the systematic and integrated attitude; the phenomenon of corruption can be understood not only as a juridical question or criminal offence but also as the problem of culture, particular turn of mind of society, mentality and accredited social standards. Unless and until the society realizes that corruption is not only a criminal act but also a considerable ethical problem, the methods of fighting against corruption can give tangible results. Corruption is one of the most dangerous social phenomena which increases danger to the rights of man, democracy and juridical state, distorts social justice, competition and trade conditions, reduces the growth of economy, puts a strain on the government, stability of institutions of state and local government and public morals. First of all, corruption is related to an undue extent of bureaucracy and regulation, non-existence of decisions discretion and accountability balance.<sup>10</sup>

The criminal acts of corrupt character in the act<sup>11</sup> of corruption prevention of the Republic of Lithuania are described as bribery, influence marketing, a bribe and other criminal acts if they are rendered in the public administrative sector or extending public service aiming for profit for themselves or other parties such as corrupt practices or going beyond their commission, misuse of official authority, falsification of papers or measures, fraud, wealth appropriation or dissipation, revelation of a service secret, disclosure of a commercial secret, introduction of false information about income, profit or wealth, capital or money legalisation which are obtained in criminal manner, interference in the proceedings of a public official<sup>12</sup> or a person who fulfils public administrative functions or the rest criminal

<sup>&</sup>lt;sup>8</sup> Lithuanian Dictionary http://dz.lki.lt: connected 2013-09-30

<sup>&</sup>lt;sup>9</sup> The national programme of the year 2011-2014 of a fight against corruption of the Republic of Lithuania

<sup>&</sup>lt;sup>10</sup> The national programme of the year 2011-2014 of a fight against corruption of the Republic of Lithuania

<sup>&</sup>lt;sup>11</sup> http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=436086&p\_tr2=2

<sup>&</sup>lt;sup>12</sup> Politicians, civil servants, judges, public officials according to the act of civil service and other people who work or on the other provided basis of the law perform the office in the institutions of state or local government,



acts which result in taking or trying for a bribe<sup>13</sup>, bribery or covering up for bribery. The XXXIII chapter of the Criminal Code of the Republic of Lithuania (abr. CC RL) is up for crimes and misdemeanours for civil service and public interests and provides for criminal responsibility for bribery to chapter 225 in CC RL, influence marketing to chapter 226 in CC RL, a bribe to chapter 227 in CC RL, misuse to chapter 228 in CC RL, illegal register of right to an object to chapter 228<sup>1</sup> in CC RL and failure to perform the office at work to chapter 229 in CC RL. In the named cases when a criminal act is done or is being done which can be named as corruption two basic components have to be distinguished such as people who take part in this crime, their motives, interests and the vulnerable rules of law (traditionally crime elements are examined by jurists, which are a subject, object, objective aspect, subjective aspect) between orderliness (or mostly indiscipline) which allows to pay money to one side and to take money for appropriate services to another side. Otherwise the author wants to emphasize that there is a giver whose motives are mostly to tackle problems which occur and a taker whose motive is material well-being which allows corruption to appear.

The analysis of acts of law of the Republic of Lithuania has shown that according to the purview various types of corruption are recognized in our country:

- administrative corruption (corruption which is related to the civil service);
- political corruption;
- corruption in a private sector;

- corruption in the international economic intercourse and corruption which is related with international organisations.

The national development of law pays most attention to the administrative corruption and the prevention of officers' misuse at work. As a result, further to this article the author is going to pay most attention to manifestations of corruption in Lithuania's police.

## THE LEGAL REGULATION OF CORRUPTION PREVENTION

As Lithuania joined the European Union the great attention was paid to the development of juridical base of corruption prevention. We have to admit that though the juridical base was developed, however, the law security of our country was not very powerful since it did not

dispense the functions of the government representative or have got administrative authority, also official candidates for this position.

<sup>&</sup>lt;sup>13</sup> A bribe is the form of any wealth or personal interest to someone or a taker personally (material or immaterial, it is worth in the market or of no value) which expresses illegal or unfounded reward for the desirable legal or illegal action of a public official or a person of equal value or inaction in pursuance of authority.



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have the centre which could coordinate the research of corrupt crimes. The government, which had valued the evoked threat of corruption to the state's socioeconomic development and implemented the programme of executive proceedings of the year 1997 - 2000 and the act "In consequence of the development of means' control and prevention of crimes related with corruption" on the 15<sup>th</sup> of March in 1996, decided to establish a particular institution in 1997 which could fight against corruption<sup>14</sup> according to the international commitments (since 1995 the European convention due to the search, arrest and confiscation of moneylaundering and income obtained by criminal behaviour which was accepted by the Council of Europe have become effective in Lithuania). According to the act No 135 "In consequence of the establishment of the Special Investigative Service near the Home Office" on the 18<sup>th</sup> of February in 1997 the government entrusted the functions of fight against corruption and crimes for civil service to the modern institution of law security. In 2011 the structural variations in Lithuania's police were accomplished by eliminating the department of Corruption control of Lithuanian detective force and the Interior managing department of the Police force and establishing the Immunity department. The Immunity department is delegated to help to the general commissioner to organise and implement the management of police institutions, arrange and coordinate the prevention and investigation<sup>15</sup> of malfeasance, work ethic and other offences of police officers, not statutory public officials and workers and also the criminal acts of corrupt nature. On purpose to execute the corruption prevention and effectively fight against corruption violations the Immunity department and the select immunity subdivisions of SFSD were founded in the State frontiers security department on the 15<sup>th</sup> of September in 2004.

According to the accomplished analysis of Lithuanian acts of law of incorruptibility the author has grouped them in the following way:

1. The decrees which define legal responsibility for corruption actions (Criminal Code, Executive Offence Code and Civil Code), the law of their variation and addition;

2. The rest decrees (Corruption prevention, Declaration of people's wealth and earnings, Coordination of public and private interests in the civil service, Public purchases, Public management, Civil service decrees, Criminal procedure code, Civil procedure code,

<sup>&</sup>lt;sup>14</sup> The history of Special Investigative Service <u>http://www.stt.lt/lt/menu/apie-stt/istorija/</u>: connected 2013-10-13

<sup>&</sup>lt;sup>15</sup> The decree of the general commissioner of Lithuania's police No 5-V-448 "In consequence of the confirmation of means' scheme in the year 2012-2014 of a fight against corruption in the traffic police" on the 7<sup>th</sup> of June in 2012, 8 section



Legal proceedings of administrative cases, Prevention of money-laundering, Grounding of capital procurement and income legitimacy, Competition, Lobby practice, Sponsorship control of political campaigns, Sponsorship of political parties and organisations, Special investigative service, Fundamentals of national security, Participants of criminal procedures and intelligence service, Security of officers of law enforcement institutions against criminal effect, Decrees of prevention of arranged criminality, Decrees of their variation and addition and etc.);

3. The acts of law accredited by the government, the decrees of Prime Minister, the decrees of the leader of Lithuania's police which define the particular means of a fight against corruption such as the accredited resolution of the government No 4-805 "In consequence of the confirmation of the programme of the national fight against corruption of the Republic of Lithuania in the year 2011-2014" on the 16<sup>th</sup> of June in 2011, the decree of the general commissioner of Lithuania's police No 5-V-447 "In consequence of the programme of a fight against corruption in the police in the year 2012-2014 and the confirmation of its means' scheme" on the 7<sup>th</sup> of June in 2012, the decree of the general commissioner of Lithuania's police No 5-V-448 "In consequence of the confirmation of means' scheme in the year 2012-2014 of a fight against corruption in the traffic police" on the 7<sup>th</sup> of June in 2012.

# THE ANALYSIS OF CORRUPTION MANIFESTATIONS OF LITHUANIA'S POLICE OFFICERS

Corruption in the police is any behaviour of a police officer, career public official or worker who works under the employment contract which does not correspond to the given authority or stated morals and strive for a profit for himself or other people thereby he does much harm to the interests of people and the police system or it is the stimulation<sup>16</sup> of such behaviour. There are 11787 people in Lithuania's police (1<sup>st</sup> picture).

There are 6487 men (68 per cent) and 2997 women (32 per cent) in the police. To read on the author is going to analyse the corruption of the 1<sup>st</sup> half-year in 2013 as compared to the 1<sup>st</sup> half-year in 2012 as it has been mentioned before that the Immunity department in Lithuania was established in August in 2011.

<sup>&</sup>lt;sup>16</sup> The decree of the general commissioner of Lithuania's police No 5-V-447 "In consequence of the programme of a fight against corruption in the police in the year 2012-2014 and the confirmation of its means' scheme" on the 7<sup>th</sup> of June in 2012, 3 section

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## 1 picture. The personnel of Lithuanian police

According to the data of the year 2012 the number of police personnel generally decreased by 1,6 per cent in the 1<sup>st</sup> half-year in 2013, the amount of police officers declined to 2,2 per cent, the number of career public officials increased to 8,3 per cent and workers under the employment contract fell off to 3 per cent. In the 1<sup>st</sup> half-year of the year 2013 380 police officers were given the walking-papers and from this amount 43 policemen were shelved due to negative reasons. In respect that 18 per cent of all shelved officers amount 69 police officers from LCPD for reorganisation therefore it is stated that every seventh policeman is dismissed from work due to negative reasons (in the 1<sup>st</sup> half-year in 2012 – every 15<sup>th</sup> officer)<sup>17</sup>.

The  $53^{rd}$  article of Interior service statute of the Republic of Lithuania (abr. – Interior service statute) has provided for the fundamentals of dismissal from work. In the 1<sup>st</sup> half-year in 2013 29 before-the-trial investigations have been launched whereby the reports about allegations have been presented to 55 police officers (5 – directors, 16 – experts / investigators, 32 – policemen on patrol / officers, 2 – other positions). In comparison to allegations which were stated to the police officers in the 1<sup>st</sup> half-year in 2012 their number has increased in 72 per cent and the number of launched before-the-trial investigations has developed in 16 per cent in the 1<sup>st</sup> half-year in 2013. Considering the latency of corrupt nature of criminal acts one growth of the number of before-the-trial investigations and suspect police

<sup>&</sup>lt;sup>17</sup> The report of police officers' criminal acts, malfeasance and corruption tendencies in the police system of the Immunity department of Police board near the Home Office in the 1<sup>st</sup> half-year in the year 2013



officers is related to the establishment and proceedings of the Immunity subdivisions. As it was mentioned by the author above the XXXIII chapter of the Criminal Code of the Republic of Lithuania provides responsibility for crimes and misdemeanours made to civil service and public interests.

Since the year of 2012 great attention is being paid to the registered cases of bribery such as one of the methods of corruption prevention where as their number is significantly increasing. With reference to the data of departmental register of criminal acts within the 1<sup>st</sup> half-year in 2013 448 bribery cases have been registered in the police (2 picture). After analysis of bribery statistics, received data that women make up only 5 % in bribery cases.



2 picture. Bribery cases according districts

The accomplished analysis of the Immunity department has shown that people between 20 and 49 years old usually try to bribe police officers. The Immunity department has maintained that people at the age of 20 - 29 have absorbed the model of corruption operation therefore it has been understood that the incorrupt education of a society did not have more influence on that age-group. It was found that the majority of police officers trying to bribe the people who have committed traffic offenses. Total 359 cases were registered in the police sector, some officials suggested a specific amount of money.

By accomplishing the analysis of corruption in the police it has been drawn a conclusion that the number of ascertainable crimes and misdemeanours is increasing. The



author believes that it has been conditioned by the careful work of police officers of the newly instituted Immunity department.

### THE MEANS TO IMPLEMENT CORRUPTION PREVENTION

On purpose to exercise corruption prevention properly and ensure clear and responsible work of Lithuania's police there have been instituted the Immunity subdivisions which have to organise and control the malfeasance of statutory and not statutory public officials and workers, work ethic violations and other offences, also the prevention and investigation of criminal acts of corrupt nature.

The programme of the fight against corruption in the police in the year 2012 - 2014 has been prepared which objective is to warrant the system of efficient and purposeful corruption prevention and control, ethics infraction, prevention and investigation of malfeasance and to found clear and responsible police.

According to the programme of the fight against corruption in the police in the year 2012 - 2014 and the accomplished statistical analysis which has maintained that the most corrupt officials in the police are traffic police officers the scheme of the means of the fight against corruption in the traffic police in the year 2012 - 2014 was confirmed by the decree No 5-V-448 of the general commissioner of Lithuania's police on the 7<sup>th</sup> of June in 2012.

### CONCLUSION

Corruption is a complex problem which requires the systematic and integrated attitude; the phenomenon of corruption can be understood not only as a juridical question or criminal offence but also as the problem of culture, particular turn of mind of society, mentality and accredited social standards. Unless and until the society realizes that corruption is not only a criminal act but also a considerable ethical problem, the methods of fighting against corruption can give tangible results.

Corruption is one of the most dangerous social phenomena which increases danger to the rights of man, democracy and juridical state, distorts social justice, competition and trade conditions, reduces the growth of economy, puts a strain on the government, stability of institutions of state and local government and public morals. First of all, corruption is related to an undue extent of bureaucracy and regulation, non-existence of decisions discretion and accountability balance.



As Lithuania joined the European Union the great attention was paid to the development of juridical base of corruption prevention. We have to admit that though the juridical base was developed, however, the law security of our country was not very powerful since it did not have the centre which could coordinate the research of corrupt crimes. On purpose to exercise corruption prevention properly and ensure clear and responsible work of Lithuania's police there have been instituted the Immunity subdivisions which have to organise and control the malfeasance of statutory and not statutory public officials and workers, work ethic violations and other offences, also the prevention and investigation of criminal acts of corrupt nature.

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### KORUPCIJOS APRAIŠKOS LIETUVOS POLICIJOJE

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#### Santrauka

Korupcijos apraiškų yra visur, kur yra valdžia ir jos sprendimus įgyvendinančios institucijos. Kur yra valdžia, ten yra ir korupcija. Lietuvos Respublikos korupcijos prevencijos įstatyme korupcinio pobūdžio nusikalstamos veikos apibūdinamos kaip kyšininkavimas, prekyba poveikiu, papirkimas, kitos nusikalstamos veikos, jeigu jos padarytos viešojo administravimo sektoriuje arba teikiant viešasias paslaugas siekiant sau ar kitiems asmenims naudos: piktnaudžiavimas tarnybine padėtimi arba įgaliojimų viršijimas, piktnaudžiavimas oficialiais įgaliojimais, dokumentų ar matavimo priemonių suklastojimas, sukčiavimas, turto pasisavinimas ar iššvaistymas, tarnybos paslapties atskleidimas, komercinės paslapties atskleidimas, neteisingų duomenų apie pajamas, pelną ar turtą pateikimas, nusikalstamu būdu įgytų pinigų ar turto legalizavimas, kišimasis į valstybės tarnautojo ar viešojo administravimo funkcijas atliekančio asmens veikla ar kitos nusikalstamos veikos, kai tokiu veikų padarymu siekiama ar reikalaujama kyšio, papirkimo arba nuslėpti ar užmaskuoti kyšininkavima ar papirkimą. Lyginant Lietuvą su kitomis 176 pasaulio šalimis pagal korupcijos suvokimo indeksą, t. y. įvertinant šalį nuo 0 (labai korumpuota) iki 100 balų (labai švari), Lietuva 2012 metais buvo įvertinta 54 balais ir užima 48 vietą. Pažvelgus į šį indeksą akivaizdu, kad korupcija yra reali grėsmė žmonijai ir turi būti viena iš prioritetinių krypčių Lietuvos viešajame sektoriuje. Todėl šiame straipsnyje pagrindinis dėmesys skiriamas korupcijos apraiškoms Lietuvos policijoje.

**Pagrindinės sąvokos:** policija, policijos pareigūnas, korupcija, korupcijos apraiškos, imunitetas.

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Research interests: theoretical and practical issues of policy making of public security, actualization of police activity, problems of police administrativ activities jurisdiction

Ingrida Kairienė\*. Mykolo Romerio universiteto Viešojo saugumo fakulteto Policijos veiklos katedros lektorė. Mokslinių tyrimų kryptys: teoriniai ir praktiniai viešojo saugumo strategijos formavimo aspektai, policijos veiklos aktualizacija, policijos administracinės jurisdikcinės veiklos problemos.