

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA“
TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA

INTERNATIONAL SCIENTIFIC CONFERENCE “ARCHIBALD REISS DAYS”
THEMATIC CONFERENCE PROCEEDINGS OF INTERNATIONAL SIGNIFICANCE

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P R E F A C E

In front of you is the Thematic Proceedings of the International Scientific Conference “Archibald Reiss Days”, which was organized by the Academy of Criminalistic and Police Studies, with the support of the Ministry of Interior of the Republic of Serbia and the Ministry of Education and Science of the Republic of Serbia, and held at the Academy of Criminalistic and Police Studies.

This International Scientific Conference is held for the second time in the context of initiated reforms of the security services and police education, and also in memory of one of the founders and directors of the first modern police high school in Serbia, Dr. Rodolphe Archibald Reiss, after whom the Conference was named.

The Thematic Conference Proceedings contain 76 papers by eminent experts in the field of law, security, criminalistics, forensic sciences, medicine, members of national security system or participants in education of the police and army, as well as other security services. Each paper has been reviewed by two competent international reviewers, and the Thematic Conference Proceedings in whole has been reviewed by four competent international reviewers.

The papers published in the Thematic Conference Proceedings contain the overview of contemporary trends in the development of police educational system, development of the police and contemporary security, criminalistic and forensic concepts. Furthermore, they provide us with the analysis of the rule of law activities in crime suppression, situation and trends in the above-mentioned fields, as well as suggestions on how to systematically deal with these issues. The Thematic Conference Proceedings represents a significant contribution to the existing fund of scientific and expert knowledge in the field of criminalistic, security, penal and legal theory and practice. Publication of this Thematic Conference Proceedings contributes to improving of mutual cooperation between educational, scientific and expert institutions at national, regional and international level.

Finally, we wish to extend our gratitude to all authors and participants at the Conference, as well as to reviewers: Mr Mykhail Tsymbalyuk, PhD, Mr Janko Jakimov, PhD, Mr Vid Jakulin, PhD and Mr Miodrag Simović, PhD. We also wish to thank the Ministry of Interior of the Republic of Serbia on its support in organization and realization of the Conference, as well as the Ministry of Education and Science of the Republic of Serbia, for its financial support in publishing of the Thematic Conference Proceedings.

Belgrade, July 2012

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P R E D G O V O R

Poštovani, pred Vama je tematski zbornik radova učesnika međunarodnog naučnog skupa „Dani Arčibalda Rajsa“, koji je u organizaciji Kriminalističko-policijske akademije, a uz pomoć Ministarstva unutrašnjih poslova i Ministarstva prosvete i nauke Republike Srbije, održan na Kriminalističko-policijskoj akademiji.

Međunarodni naučni skup se održava drugu godinu za redom u kontekstu započetih reformi službi bezbednosti i policijskog školstva, a istovremeno u znak sećanja na jednog od osnivača i direktora prve moderne visoke policijske škole u Srbiji, prof. dr Rudolfa Arčibalda Rajsa, po kome skup i nosi ime.

Tematski zbornik sadrži 76 radova čiji su autori eminentni stručnjaci iz oblasti prava, bezbednosti, kriminalistike, forenzičkih nauka, medicine, pripadnici nacionalnog sistema bezbednosti ili učestvuju u edukaciji pripadnika policije i vojske, kao i drugih službi bezbednosti. Svaki rad su recenzirala dva stručna međunarodna recenzenta, a celokupan zbornik četvorica recenzenata.

Radovi objavljeni u tematskom zborniku sadrže prikaz savremenih tendencija u razvoju sistema policijskog obrazovanja, razvoja policije i savremenih koncepata bezbednosti, kriminalistike i forenzike, kao i analizu aktivnosti pravne države u suzbijanju kriminala, zatim prikaz stanja i kretanja u tim oblastima, kao i predloge za sistemsko prevazilaženje postojećih problema u njima. Tematski zbornik radova predstavlja značajan doprinos postojećem fondu naučnog i stručnog znanja iz oblasti kriminalističke, bezbednosne i kaznenopravne teorije i prakse. Izdavanje ovog zbornika doprinosi uspostavljanju i unapređivanju međusobne saradnje obrazovnih, naučnih i stručnih institucija na nacionalnom, regionalnom i međunarodnom nivou.

Na kraju, želimo da zahvalimo svim autorima i učesnicima skupa, kao i recenzentima, uvaženim prof. dr Mykhailu Tymbalyuku, prof. dr Janku Jakimovu, prof. dr Vidu Jakulinu i prof. dr Miodragu Simoviću. Takođe zahvaljujemo Ministarstvu unutrašnjih poslova Republike Srbije, koje je podržalo organizaciju i održavanje skupa, kao i Ministarstvu prosvete i nauke Republike Srbije, koje je finansijski potpomoglo izdavanje ovog tematskog zbornika radova.

Beograd, jul 2012. godine

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ETHICAL DIMENSION OF POLICE PROFESSION¹

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Abstract: Professional morality is created in the police profession since its performance is firmly organized. Also, it is a profession that is extremely important for users, and whose members can learn very important and sensitive information whose disclosure could harm users. What will the morality be in this case depends on many factors, especially: moral relations in the wider society, goals and tasks of the police in a given society, specific conditions of life and work, the very practice of police organizations, the personal qualities of individual officer. In this profession moral codes are created which regulate in detail not only relations to the profession and its conduct, but relationships with customers, and also the behavior of police officers in their private life, or outside the profession. The main purpose of these codes is not to create morality (which is uncontrolled, spontaneous and relatively long process), but, above all, in its clear and precise presentation that contributes to the formulation of the proper performance of duties and use of legal powers.

Key words: morality, ethics, profession, professional moral, professional ethics, police, ethical code

GENERAL NOTE ON PROFESSIONAL ETHICS

Certain areas of social life (the most important for the survival of society, but not just them), are directly regulated by specific - concrete moral norms that accurately determine the behavior of people in a given moral situation. Such areas, according to the Professor Radomir Lukić (Lukić, 1974:538-539), among others, include professional ethics (ethics of interest)², i.e., specific moral norms that apply in certain occupations³, which are generally stricter and more precise than general moral norms.

¹ The work was created as part of the projects financed by the Ministry of Education and Science, the Republic of Serbia: The development of institutional capacities, standards and procedures to counter organized crime and international terrorism in terms of integration of 179 045, Academy of Criminalistic and Police Studies and the School Safety Project No. 47017 Security and Protection of organizing and functioning of the education system in Serbia (basic principles, protocols, procedures and resources) within the cycle of research projects 2011-2014.

² In this paper the notions of morality and ethics will be used as synonyms. Also, we will deal with definitions of morality, ethics, and deontology and business ethics. For more detailed terminological demarcation in Milašinović, S.: Some indicators of policing in the function of ethical competence - the research results, Place and role of police in crime prevention: current situation and possibilities for improvement, Belgrade, Academy of Criminalistic and Police Studies, 2007, pg. 349-367. Some issues related to ethics of administrative workers, security 3 / 96

³ Occupation, or profession is "the set of the same or similar business activities, whose basic social and economic characteristics are that they are:

- 1) represented by a specialized activity that is clearly separated into a separate unit within the existing technical and social division of labor;
- 2) performed in a relatively permanent stable way, with certain resources, and with purpose of production of certain items or providing useful service to others;
- 3) the only or at least the main source of income which ensures the existence of economic and social position of individuals or groups who perform it, and
- 4) based on the possession of special knowledge, skills and education that is expressed through the possession of certain qualifications " (Sociological lexicon, 1982:750).

It is considered that there is relatively little interest in the society taken as a whole for the phenomenal value of professional ethics⁴ which is dealt with separately:

1. Relations within the profession among its members (solidarity, mutual assistance, ceremonies, etc.), and
2. The manner of functioning (understood in the broadest sense), and especially its relationship to other people, especially the users of its products or services, but also to the members of other professions and society as a whole. (Pusić, 1981)

The main purpose of rules of professional ethics is to direct those who are engaged in certain activities and to protect them from possible deviations, if something is unsafe. In a certain way it also forms a member of occupation and provides him with a moral strength. Value judgments are integral for professional life and ability to make reasoned and informed choices among conflicting values is a vital skill for professional survival.

Professional morale is created within the professions that are very important for its users, whose employees can learn a very important and sensitive information whose disclosure could harm its users (lawyers, clergy, medical doctors), as well as within the professions involving a careful and precise performance, in which the external control, as a rule, is ineffective (engineers, some craftsman), so the service users have to rely primarily on the moral consciousness of a professional. Upon its creation the organization of respective professions may exert influence (therefore, a tightly regulated profession will sooner create professional ethics), as well as their relative class independence (occupations that are not tightly integrated into any particular class, and do not have strong class morals, create a stronger professional moral).⁵

Members of certain professions (judges, doctors, members of the armed forces, in some countries police officers and others) take a special oath, that is, give a public statement that they will perform their duties conscientiously and in accordance with the regulations. It primarily has a moral sense, it represents a statement of loyalty (to monarchy, nation, state) given in a certain form, according to the established ceremony in the symbols of the festive atmosphere, or holy community (emblem, flag, holy book). The time required for interiorization of certain regulations of professional ethics is different. The rules that stem from ideological commitment shall be adopted relatively quickly and can easily be lost. On the other hand, the rules closely related to the profession itself are adopted slowly, but are much more durable.

Professional ethics does not only represent a general ethical order applied to the specific case, but is an ethical reflection articulated through specific goals and ideals constituent to a particular profession. The character of these rules is relative, unreasonable and uncritical acceptance and mechanical exaggeration in their implementation which can have counter-effects. Thus, the consequences of complete identification with a professional organization or association are tightness, autarchy and recklessness (even intolerance) towards the environment.⁶

Professional ethics is certainly closely connected with the ruling system of morals and values of the respective companies, i.e. it begins with the basic norms of general social morality. However, for its part, it may in turn influence and modify itself, as well as the general state of society.

⁴ See Popovic, 1982:178. However, this does not mean that society is not interested that profession follows in touch with the current events, that is, some professional activities are to be performed so that they fit the broader social interests, so they do not put a certain pressure on professional ethics.

⁵ More detail in Z. Kešetović (1996). "Some issues related to professional morality of administrative workers", *Security*, no. 3 / 96, p. 347-365.

⁶ For more details see: Milašinović, S., Kešetović, Ž. (2009). "Social Changes and Modern Crisis – Challenge for Theory and Managerial Practice", *NBP - Journal of Criminalistics and Law*, Vol XIV, No 1. pp. 117-132.

There is no doubt that the police profession⁷ meets substantially almost all of these criteria, and that accordingly, and within it creates professional ethics. What will it turn out to be in a concrete case depends on many factors, especially:

- Moral relations in the wider society;
- Goals and objectives of the police in a given society;
- Actual living and working conditions;
- Practice of the very police organizations, and
- Personal qualities of each police officer.

The problem of police morale is very complicated and complex. It includes general theoretical (and philosophical) questions of moral basis (foundation) of the police work and, within that, the professionalism, the role of police ethics and the professions.

The second layer of problems concerns the personal (individual) ethics of officers or police (sub) culture and the individual character of the individual police officer; issues that are directly related to the performance of services (police discretion, the use of force, use of deception and organization of pitfalls, corruption, etc.), and the behavior of police officers in his private life in the context of their public role.

The third group of problems relates to the segment of the very police organization and its ethics, that is, questions of authority and responsibility, of its morality expressed in the appropriate code, and ethical challenges that are placed in front of the top management (management) of the police. From the wide range of problems presented, as an object of this paper we singled out the question of ethical codes of police organizations, in awareness of the fact that its treatment isolated from the above mentioned and from the wider social context, necessarily carries with it certain disadvantages and ambiguities.⁸

For police instructors (educators) ethic is another tool to build the character a good policeman needs. The virtues, which had recently become philosophically fashionable, are seldom more important to society than in the guardian of the state. Police ethics reemphasise the significance of honesty, loyalty, integrity and obedience. Indeed, such values are more than useful: in many situations they are a matter of life and death. The first goal of police ethics can be to sensitize line officers and upper-level administrators to the moral dimensions of their work. Typically police officers approach problems as legal, political, economic, institutional or personal. However, moral point of view is mostly neglected. Also, police ethics can teach them the language of morals. Basic moral terms „right“ and „wrong“ are not just legal terms and their meaning needs to be carefully delineated and sharpened in contrast with everyday discourse. Besides this, teaching police ethics can help identify and appraise moral arguments and articulate principles for clear moral reasoning. Not only do the canons of formal and informal logic need to be stated and explained, but the fundamental principles of alternative ethical frameworks, as well. Finally, police ethics can unravel complex moral issues and locate an optimal solution grounded in an ethical theory and social analysis of the role of the police in a democratic society (Ellinston and Feldberg, 1985). It should also be noted that some authors express certain doubts in the ability to learn ethical behavior for the people that had not built ethical standards before joining the police (Champion and Rush, 2003).

⁷ The truth is it that there is still no general agreement whether the policing profession acquired attributes of a profession. In addition to it, generally speaking, despite the fact that the professionalism is considered essential characteristic nowadays, today it is generally difficult to talk about professions in the classical sense. Professions are socially more powerful, but changed.

⁸ Hegel's conclusion - the truth is a unity, applies here.

Police ethics is also necessary for effective police administration. A police chief must set and implement policy, taking into consideration the requirements of law, the traditions of his department, the changing attitudes of the community, the preferences and concerns of local politicians, and the dictates of his own conscience. Moral reasoning enables him to navigate among these complementary and sometimes conflicting principles, to identify the fundamental values at stake, and to assess the arguments put forth from different quarters. (Ellinston and Feldberg, 1985)

Police ethics is and should be a concern to the public at large. As taxpayers support the police and, indirectly all they do. Through their elected representatives they typically have a say in the policies of the police departments, and more directly as victims, violators, or suspect, they suffer the consequences of police conduct and misconduct. Understanding the moral issues in police work enables the public to support more enlightened policies, advocate reform measures persuasively and critique outdated or inefficient practices more intelligently.

THE CODIFICATION OF PROFESSIONAL ETHICS

Some specific and particularly important professions have very elaborate moral codes⁹ that regulate not only relations close to the profession and its conduct, i.e. relationships with its users, but also the behavior of its members even in private life, or outside the profession. Some professions have a long tradition of moral codes (medical doctors, lawyers, judges), while others are more recent, either because the profession itself emerged relatively late (journalists, psychologists, social workers), or because it was caused by the development of social relations (scientists, police officers).

In the last hundred years, especially in the early second half of the twentieth century, associations of engineers, accountants, financial planners, insurance agents, football coaches, journalists, social workers, psychologists and public relations managers, as well as organizations such as hospitals, department stores, chains, etc. composed and published their own codes of ethics. In the public statements they tried to articulate standards that (should) be characterized by their membership and operations, in connection with the provision of certain goods or services.¹⁰ This was affected by various factors, primarily: technological progress, increased specialization, autonomy occupations, the growing corporatism, population growth and increasing urbanization and the like. "We are forced to trust people and organizations that can significantly threaten and injure us, and over which we are able to achieve relatively minor control. It is, as we learned, fragile confidence, easily and too often let down. The formation of associations of interest, or profession, whose members are bound by code of ethics, was a partial response to this social breakdown. These associations offer their audience, or consumers some assurance that the services which consumers depend on, will be provided in an appropriate manner, where the organization will not use the advantage of its position and vulnerability of the client" (Kleinig, 1996:234).

The primary purpose of a moral code is not the creation of morality (which is uncontrolled, spontaneous and relatively long process), but, first and foremost, in

9 Moral Code (Code) is "more or less systematized, and a relatively complete set of moral standards precisely formulated by one moral, determined, by rule, by a written act put together by elected or otherwise determined representatives of people who adopt respective morality." (Sociological lexicon, 1982:373)

10 It is emphasized that the moral of members of certain state professions (of the army, administrative workers, judges and others.) is stronger in relation to professional ethics in other areas of social work, for example, in the economy. See Popovic, 1982:178

its expression and precise formulation. Codes as records of moral norms contribute to the proper exercise (*lege artis*) of duties and powers of a profession, not only in terms of expertise, but also in relation to the validity criteria, which is the essence of moral behavior (Kobe, 1978:213.). The practice, in fact, showed that codified moral norms are stronger, i.e. exert stronger binding to the members of the profession, easier to apply and more completely put in practice those diffuse or scattered.

POLICE CODES OF ETHICS

In today's world we are witnessing universalization of morality, including professional ethics, as a result of highly technical and industrial orientation of social development. (Moor, 1970). Thanks to the progressive reorientation of managerial techniques, skills and attributes, some believe that the police or the services they provide can, in terms of ethical requirements involved, be treated as well as organizations from the world of business (Kingshott, 1996:163-166). In our opinion, that statement, however, given the specificity of the police work, cannot fully be accepted. Specifically, the police (besides the army) are the only state agency authorized for community use of force in the regulation of social conflicts, and to act in various types of "emergency" situations,¹¹ and this is its *differentia specifica*. In many modern societies they have (preventive and repressive) role that leads to numerous contradictions. Also, unlike most corporate organizations audience or target of the police is the widest public - the general public.¹²

Besides the general conditions that influence the creation of professional codes of ethics, Cox states that the emergence of the police code of ethics affects two specific problems faced by police officers:

1. The fact that they are authorized to use force or coercion, and
2. The authority to use lie and deception in performing their duties (during covert operations, test the suspect, etc.).

In addition, the need for specific standards of conduct is necessary due to the fact that police officers, historically, have been engaged in activities which many morally sensitive people would not approve of. (Cox, 1996:56)

Historically, the seeds (some elements) of the first police codes coincide with the emergence of the modern police. Those were, in fact, the instructions given to the members of the Metropolitan Police by their founder, Sir Robert Peel in 1829. A code of ethics of the police in the United States was created almost a hundred years later, in 1928, when the protégé of the founder of the movement for the formation of professional policing in America, Augusta Vollmer O. Wilson was appointed chief of police departments in Wichita, Kansas. Faced with numerous problems of the departments and imbued with the spirit of professionalism, Vollmer published code of departments, among many other projects, primarily in order to convince citizens of Wichita that largely criticized police existed and worked in their interest.

In 1937, the Federal Bureau of Investigation (FBI) announced the police Testament, printed it in poster format and distributed to police agencies across the United States. Police Research Association of California - PORAC adopted in 1955

11 Bitner particularly insists on this (Bittner, E. *The Functions of the Police in Modern Society*. Oelgeschlager, Gunn & Hain, Publishers, Cambridge, Massachusetts, 1921.)

12 Ethic codes of police organizations should be distinguished from cop's code as an informal set of behavioral guidelines. It is a charter for action, a set of shared understandings, that, while not written or codified, are understood by all members of the precinct and limit the degree of variability of behavior permissible for individuals. More on cop's codes in Punch, 1983

the Code of Ethics, which was by the following year also adopted by the National Conference of Police Associations, and in 1957 by the prestigious body - the IACP - International Association of Chiefs of Police. Police code of ethics is accepted and still valid without modification in many U.S. police departments and overseas departments. [As for IACP it was partly changed in 1991, and now reads:

“My fundamental duty as a police officer is to serve the community, to protect lives and property, to protect the innocent from deception, the weak against oppression or intimidation, the peaceful from the riots and violence and to respect the constitutional rights of all people to freedom, equality and justice.

I will guide exemplary private life and act in a manner that does not discredit me and my agency, I will be brave in the event of danger and calm in the case of contempt and ridicule; I will develop self-control, and constantly bear in mind the welfare of others. Honest in thought and deed, in private life and in the service, I will give an example in respect of my country's laws and regulations of my department. All items of a confidential nature that I see and hear and all that is entrusted to me as a police officer, I will keep forever secret unless disclosure is necessary to carry out my duties.

I will never act intrusive or allow personal feelings affect my decisions, prejudices, political beliefs, aspirations, animosities or friendship. Without compromise to crime and by prosecuting criminals relentlessly, I will apply the law courteously and appropriate, without fear or favor, malice or hatred, never using unnecessary force or violence and never accepting gratuities.

I understand my official badge as a symbol of public faith and accept it as a public trust, and I will wear it as long as I comply with ethical police service. I will never succumb to corruption, nor receive bribes and condemn such acts of other officers. I will cooperate with all agencies established by law and their representatives in the administration of justice. I know that I am only responsible for the quality of my professional work, and I will use every available opportunity to expand and improve my knowledge and competence.” (Kleinig, 1996:236)

In addition to this, in the U.S. law enforcement agencies there are countless ethical codes and the similar documents that are called variously “statement of values”, “principles of conduct”, “canons of professional responsibility”, “standards of practice”, the oath, maxims, declarations, etc.¹³

Over the time a number of other countries have also developed their own codes of ethics. In addition to the mentioned IACP dominated by Americans, primarily due to the larger and heavier tasks of police - combating transnational crime in particular, a number of other international initiatives for the formulation of police code of ethics appeared. One of the most important is the Police Code of Conduct adopted by the United Nations in 1979, which served as a basis for drawing up of police codes in several countries. About the same time the European Council formulated the Declaration on the Police with the Resolution¹⁴ that included police deontology, the statute and the statute of police functions and police during the war and other emergencies. Kleinig states that parts of this Declaration are criticized and that in the Member States they have never been accepted to the expected extent. Authors are primarily criticized that they avoided honor as a moral category, and paid little attention to police abuses and the like.¹⁵

¹³ Kleinig believes that the codes and standards of conduct are more regulatory (actually regulate the specific behavior), and statements and oaths are more aspirational (express ideals and aspirations - aspirations) (Kleinig, 1996:238). In addition to this, statements of values are broader than purely ethical statements, and both are considerably more general than the behavior or codes of practice. An interested reader can find the declaration of several U.S. police departments in Leonard, VA, Moore, WH, 1993.

¹⁴ The text of the Declaration is available in Bolle, P.H, “Deontology, and the statute of Police”, *Izbor*, No. 3 / 1980, pp. 176-184

¹⁵ A. Makar, Deontology and ethics in the work of Ministry of Internal Affairs – A contribution to considering and solving problems, *Manual*, br.3/83, p. 230

The main objective of this effort was to improve the status, organization and professionalization of the police and, also, security and stability of the police officers. This contributed to the trend of opening the police socialization process safety functions to the public¹⁶.

In its essence, these codes represent public commitments by the police that in the course of their work and services to the citizens they will keep certain standards. One of the open issues of ethical codes, due to their quasi-contractual nature, is whether they are binding to all members of the profession notwithstanding if they are members of appropriate professional associations and organizations and whether they have personally signed a "statement of acceptance of values" or not. It seems that they primarily have intention to reflect and express, not to create a public commitment on the performance of the profession. Therefore they are inseparable from the professional honor and in the moral sense they are generally binding for all its members. In terms of public accountability, it is not only important what members of the profession promise and what they are committed to, but also what society really and reasonably expects of members of a profession.

Interiorization of provisions of police ethical codes (the acceptance of their standards as their own, autonomous, not heteronymous) is a process in which training and education of police officers have significant roles. Cox said that many authors point out that the part of the training related to ethical values is deficient in many police academies, despite general agreement on its great importance. (Cox, 1996:56)

Kleinig in his analysis of the purposes and functions of the police code of ethics finds:

1. *External functions*

- **Trust.** People in meeting their needs, i.e. providing goods and services, sometimes significantly depend on others. This provision is sometimes linked with the risk and sacrifice of privacy, certain resources and so on, so the need for reliability is quite understandable. In the case of the police this requirement is even more pronounced because of huge social power transferred to it. This need is further emphasized by the mass media stories about police abuse and corruption.
- **Improvement of public relations (PR).** Organizations and associations, including the police, often see the publication of a code of ethics as a means of improving their public image. Also it is associated with holding the status of profession, which is very important for self-evaluation, and acceptance by the company of certain occupations.
- **Limitation of Liability.** To the extent that sets certain standards in the performance of police duties, police code of ethics restricts unreasonable demands on the police and represents a fence of responsibilities for failures for which the police could possibly be charged. Moreover, if the code is associated with the appropriate mechanisms for monitoring and enforcement, it reduces the need for external control of police work.

2. *The inner (internal) functions*

- **The personal standard.** From the standpoint of employee, a code of ethics is a minimum commitment - a standard of conduct that service users can ask for, and which the police must follow.
- **The organizational ethos.** Codes of ethics do not make individual statements, but they are product of the organization or association, which should unite the

16 A. Makar, Ibid, p. 228

producers of services through the creation and improvement of an organizational ethos. Group relationships and organizational cohesion require a certain degree of shared cultural values, i.e. appropriate ethos which contributes to the creation of a code of ethics.¹⁷

- **Organizational rapper.** Codes that are primarily dedicated to creating and promoting organizational ethos are usually aspirational, that is they proclaim ideals more than they establish mandatory standards. But they have a regulatory function - serve as a benchmark, and therefore according to them a moral minimum is determined. In the function of rappers they can also serve to maintain quality of the organization so that members who behave unethically are excluded; they can be used as a means of political control over the police, as a source of internal discord, but also the means of their resolution.
- **A tool for learning.** Among other things, ethical codes are used for ethics training in medical and law schools, but also in the police academies. Mainly because of legal, rather than ethical approach, these codes are used as a tutorial, primarily, to keep professionals out of trouble, and not to make them more responsive to the moral sense.

Ethical codes of police organizations do not necessarily need to have all of these functions. And even when they have them all, the significance of each of them can be more or less pronounced. In addition, it should be noted that all these functions are not always compatible code, but under certain circumstances cannot contradict one another.

DILEMMAS RELATED TO POLICE CODES OF ETHICS

Creating and using police codes of ethics can be linked with specific problems which can be overcome by appropriate measures. Kleinig (Kleinig, 1996:249-253) tried to create, as he admits somewhat artificial, classification of these problems. According to him, they are split into dependent (contingent) and endemic.

Contingency issues according to him are:

- **Applicability.** In some codes there is a need for sanctioning unacceptable behaviors and establishing a procedure for their imposition.¹⁸ The problem is that, as we have already pointed out, members of police organizations (similar to other professions, for example medical doctors, but also in groups with strong ideological cohesion) do not support their application. There is a pervasive lack of will and willingness to report violations or to testify against violators.¹⁹ Therefore, the code that causes the strong loyalty to the group also promotes ineffectiveness.
- **Cynicism.** Some police codes of ethics either due to their provisions which impose unreasonable and unnecessary requirements to the police, either because of the way they are introduced (the creation of top management was made without any consultation and dialogue within the organization), or even because of the moral hypocrisy of the leadership ("do as I say, not as I do") can result in police cynicism.²⁰

17 This, however, in the case of some organizations with strong organizational ethos, and the police in particular, can lead to a conflict of loyalty to colleagues - members of the same organization and loyalty to service users (citizens). Therefore, there are rare cases when a police officer is to testify against a colleague who has violated a code of ethics or committed other abuse in the service.

18 In some codes, sanctions and procedures relating to them are contained in a (separate) file.

19 This is consistent with solidarity as an element of the police subculture, which, as stated by Skolnik, Reiner and other writers, is a consequence of authority and risk. V. Reiner. *The Politics of Police*, pp. 85-111

20 Cynicism is also one of the characteristics of the police (sub) culture.

- **Risk of minimalism.** Although aspirational codes tend to require self-sacrificing dedication to the ideal of service, the regulatory ones can completely rule out the sacrifice of professional life. Practitioners may feel that as long as they act properly under the terms of such code, they do all they are expected to. Police officers are not encouraged to give more than what is absolutely necessary.

Endemic problems faced by the codes of ethics are more deeply rooted and are a permanent danger:

- **Emphasis on behavior.** A characteristic of a number of ethical codes is to focus on results. Their emphasis is on action, the specific treatment of policeman (how), not on their attitudes and moral virtue (why - the motive of action).²¹ The emphasis on the ethical code of behavior is understandable, given their purpose. Finally the public interest is to meet certain needs, i.e. services and some general statements that relate to the character. However, the question of why someone is doing something is the central moral importance in the overall efforts for the professionalization of police calls.
- **Promotion of inauthenticity.** In moral action it is important that one manages its behavior in one direction due to certain reasons in accordance with moral values adopted. It is his own decision. Codes, in contrast, encourage externalization of the behavior that is not an authentic expression of subjectivity of the person who behaves in this way.
- **The risk of ossification.** Current codes typically do not exhaust all legitimate moral options, and sometimes even prescribe illegitimate. Even though the provisions of the Code reflect a widely accepted opinion, there is no guarantee that they are correct. So it is better to understand them as recommendations, not as absolute commandments that always and everywhere apply no matter what. Many formulations of the codes are just absolute ("I will never let ..."; "I will always ... "etc.). With so many different and unpredictable situations that social life in this case imposes, a discretionary assessment not to comply with some (concrete-detail) regulation of the Code may be commendable, or at least open to discussion. It is this absolute diction of the code that reduces its value in the eyes of police officers.
- **Failure to identify priorities.** Although codes sometimes give precise instructions to be followed in certain situations, and assist police officers with no work experience, they are often of little help in cases where assistance is most needed, i.e. where it is difficult to measure and compare the individual and social interests and make the correct discretionary review. The officer in this case may decide to enforce the law or not to enforce it (for example, do not punish a colleague for smaller traffic violation). In addition, law can be applied in many different ways. Codes only list the goals and standards without the designation of priority or code of practice when the provisions of the Code are in conflict. They fail to give warning of priorities, exceptions, and situational factors. This is understandable, given the nature and function of codes. If they were more detailed and focused on the specific problems they would cause more controversy within the police and the public, which would be counterproductive.

The trouble with some police codes is that they turn into platitudes, their imprecision of standards and guidelines of conduct of its members. They promote and support abstract values such as honesty, integrity, decency, fairness, etc., without closer definition of how they are expressed and applied in specific activities of ev-

²¹ The opposite of Kant's ethics of pure duty.

eryday police work.²² Myron notes that many authors argued that policing has so many “gray areas” that providing clear and unequivocal ethical guidelines is simply impossible. He also believes that there is a number of police behaviors that are absolutely unethical, such as threats and brutal violation of human and civil rights, planting evidence, the retroactive provision of a search warrant, extortion of confession, lying in official reports, the courts and in consulting the police by the competent authorities, stating that no offender is that important that the police should violate the Constitution or laws (Cox, 1996:58).

Perhaps having these and similar problems in mind, Kingshott believes that the basic problem of the police service is not in the adoption of written codes of ethics that by themselves prevent unethical behavior, but in the implementation of an effective system in handling complaints and encouraging disclosure and indications of abuse within the police organization, no matter how opposite it could be to the police solidarity. The officer - an individual - will have the power to alter his behavior and raise standards, so that unethical behavior will no longer be accepted euphemistically as part of the police culture. “This behavior will no longer be considered acceptable or unimportant. Code of Ethics will mean little to those who already comply with it, but the adoption of appropriate procedures to ensure against improper practices and to comply with the rules of minorities” (Kingshott, 1996:165-166).

Too often, codes of ethics are static, the outcomes, i.e. the end products (fixed determinants) rather than active expressions of community’s self-awareness (organizations) within a broader society. The existence of these problems regarding police codes of ethics does not mean their redundancy and/or needlessness. Moreover, many of them can be reduced and even completely eliminated, and the alternative (no codes) would be also problematic. “Necessity code of ethics comes from at least two reasons. First of all, there is a constant interest in the police work done at the level of the profession. And secondly, particularly from the countries where criticism of abuses of police authority comes from, the demands for improving police standards come as well, which should be especially respected, because the internal abuse leads to the loss of public trust” (Krivokapic, Krstic, 1995:374).

CONCLUSION

Professional codes of ethics, including the police ones, carry certain values, but also danger. They remind us of the fact that the performance of public office involves a certain degree of social cooperation, shared values and experiences, and that it must be done so as to meet the needs of people and spread an atmosphere of trust. At the same time, these codes, like social barometers, register social pressure oscillations and reflect the major concerns and preoccupations of society, or association which provides certain types of services. Setting the Code is one of the means by which manufacturers of certain types of services understand what they are actually responsible for, gain a deeper insight into various aspects of their organization, and enable them to focus their efforts and resources in that direction. It is also an opportunity for the community to question whether its expectations from the police are reasonable and realistic. Any such code should be treated primarily as a hypothesis that individuals and organizations follow and apply, i.e. not as a mechanical application of codified rules, but as a set of management principles

²² It should be noted that there are a lot of detail codes that represent a solid landmark for proper, i.e. moral acting of a practitioner in a pluralistic and increasingly complex operating environment.

to creatively apply and adapt the changed social environment and unpredictable situations imposed by life itself. Formulated rules should only help a police officer who understands and accepts them, applies them by following them, and in specific cases brings an authentic decision. Loyalty and devotion to standards related to the objectives of police profession are not necessarily inconsistent with the critical involvement of police officers in their articulation in specific circumstances. Accepting the code of ethics, officers express their willingness to enter the culture of their profession which is defined by certain goals and standards. What justifies this code is the importance which the ethos or the culture has for duties of the police service. The professional code of ethics is also an important instrument in preventing human rights violations by police officers. In terms of relations of the police and the relationship of the police organization and the public it serves, it is essential that there is a framework of mutual understanding and trust.²³

Bearing in mind all the shortcomings and potential problems discussed, there is no doubt that the rules containing a code of ethics of the police have a *raison d'être*, as compared to the police as an organization that provides moral force and police officers whose actions are directed in the case of moral dilemmas, but also in relation to the general public as users of police services who know what can be expected. Given the crucial moments in which our society and the police exist, one should consider creating a police code of ethics that would include regulations based on humanitarian and moral obligations necessary for the performance of police activities. It would certainly be our contribution to the escape of our society from the crisis, particularly the crisis of moral, and catching up with modern, developed and democratic societies and their highly professionalized police.

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²³ One of the important issues of the police professional ethics is the issue of ability and moral character of police top management (Krivokapic, Krstic, 1995:376). About the ethical challenges that are put in front of police management, see in more detail (Kleinig, 1996:256-279)

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