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Crime, Insecurity and Police Reform in Post-Socialist CEE

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Crime, Insecurity and Police Reform in Post-Socialist CEE

1 While police reform in post-conflict settings has received much attention recently from both academics and practitioners, comparative studies of transformations of policing systems in countries undergoing more peaceful transitions from authoritarianism and state socialism to democracy are surprisingly less common.¹ In a recent comparative research project on police reform in Central and Eastern Europe (CEE), we attempted to examine police reforms in fourteen countries since 1989.² This article discusses some of the findings of that book and provides an overview of the challenges of reforming the structures and processes of policing in the context of the democratic transition of Central and Eastern Europe. It begins with a discussion of the concept of democratic policing as the ostensible goal of police reform in democratising states, then outlines the general parameters of police reform in post-socialist states, including some of the main obstacles and problems that have been encountered. Finally, it outlines some directions for future research on crime control and police reform in the region.

Democratic policing

2 The provision of security to citizens and communities is an essential function of the modern state. The police is the key state agency responsible for policing and ensuring public security, and is thus strongly linked with the well-being of individuals and communities through its routine provision of preventive, administrative and punitive services, including the undertaking of criminal investigation, recovering stolen property and bringing suspects to justice. In post-authoritarian and post-communist countries alike, the dismantling of regime policing and the establishment of democratic policing – policing that is professionally effective, accountable and legitimate – is an indicator of the consolidation of democracy.

3 Conceptions of democratic policing, which then are the yardsticks by which the performance of policing systems will be measured by the international policy community and progressive police leaders, have slowly coalesced in transnational policing regimes, and have become entrenched in international/transnational agreements and understandings, such as UN Codes of Conduct for law enforcement or the use of force by or the Council of Europe codes of conduct for police; European Union guidelines for reform of the policing systems of potential accession countries; guidelines for democratic policing in post-conflict societies, or reform commission reports in societies seeking to end or lessen sectarian violence and conflicts.

4 Conceptions of and policies for democratic policing center on a set of core values and norms, which consistently, though expressed in somewhat different language, show up in scholarly³ and policy oriented writings.⁴ Democratic policing is characterized by an orientation to service for civic society, rather than the state; transparency and accountability; the representativeness of personnel as measured by the distribution of salient identities in society; integrity management as a central function of police administration; a semi-autonomous status of the police organization and system; the treatment of police as citizens; and the possession of skills needed to perform allocated tasks efficiently and effectively, as indicated by the degree of professionalism at all ranks of the organization and across specific functional tasks (e.g., managerial skills at the higher ranks, technical skills in investigations, or people skills by street level police in encounters with citizens).

5 Striving to achieve these values is seen as essential to any claim that reforms in the structure, culture or work performance of the police which can be labeled democratic. The validity of

core values is not much of an issue anymore;⁵ the difficulty is converting core democratic values into effective policies which are accepted by the state, civic society and the police. The most difficulty transitions, given the legacy of socialist policing policies, cultures and values, include the quest for representativeness, such that major salient social identities (specifically gender and ethnicity) are reflected in the composition of police personnel; integrity management, that is operational policies which actively and persistently enforce stated normative standards to prevent corruption and abuses of power; semi-autonomy which refers to the need and capacity by the police to balance responsiveness to state and civic society demands with the requirement that the police to enforce the law impartially, professionally and without bias; internal democracy within the police organization⁶; and accountability by the police to relevant state legislative, executive and judicial organizations and to civic society.

6 The component elements are closely inter-related in democratic policing. If effectively implemented, core values will lead to enhanced performance which ensures the personal safety of the population and public order balanced against the demands that policing be attuned to professional, integrity and service oriented priorities. Accountable police are transparent in their procedures and operations and are subject to both internal and external control mechanisms that ensure the police are performing their functions in a way that respects rule of law and the human and civil rights of the people they serve.⁷ Police who enjoy public legitimacy are viewed both by state actors and the public as representing salient and legitimate interests in society, hence as acting fundamentally in the public interest and effectively fulfilling their duties in a trustworthy and just manner.

7 Key to the concept of legitimacy is consent. Liberal democracies uphold the value of consent of the governed, which bestows legitimacy and the moral right of government to govern, a function which includes the provision of basic public services such as security and order. The need for consent is especially true of police, who wield much potential power, both intrusive and coercive, over citizens. Public consent and legitimation of policing in democracies are based on the general belief that police adhere to the law and due process, are subject to control, are accountable and transparent, are politically neutral, and seek to protect human and civil rights.⁸

8 The specific operational meanings of democratic traits in policing will have to be attuned to the nature of work done by the police, whether normal street policing, intelligence, public order or state security work. For example, accountability and transparency mechanisms will have to vary by the type of work done. Intelligence led policing may be legitimately restricted in access and transparency by legal requirements (such as in case work) or national security concerns; but the basic principle that the police are not be unchecked masters of their domain and powers applies equally to all manners of policing.

Challenge of police reform in post-socialist CEE

9 The post-socialist region at present contains a diversity of states ranging from the nearly consolidated democracies of Central Europe to various post-Soviet authoritarian regimes, making generalisation increasingly difficult. Nevertheless, common experiences in the structure and functioning of socialist police continue to influence the development of post-socialist police organisations and criminal justice systems. Policing in the Marxist-Leninist systems of CEE was based on the model developed in the Soviet Union and subsequently exported to client regimes. The Marxist-Leninist state was ideologically framed as a socialist state of the people and also their political organisation. Since the function of the state was to facilitate the transition to an ideal Communist society where all means of production would be communally owned, it justified exercising control and coercion to that end. As a result, criminal law was intended to protect both citizens and the socialist state from criminal acts, and ‘to help propel the system toward Communism’. Police were a key instrument in protecting

both state and citizens, and fostering development of socialist consciousness by enforcing conformity with state ideology.⁹

10 While the Soviet-style militia gradually evolved from a militarised body that suppressed political opposition to a law enforcement body responsible for ensuring public order (and relying on the complicity of citizens in their own control), it remained an authoritarian police force closely tied to the party-state.¹⁰ Common to all socialist systems, the mission of the police (militia) was essentially political – ie. to further progress towards communism under the leadership of the communist party. The authority of the police derived from policies determined by the party central committee and police were in practice subordinate to the party and expected to execute the will of the party. Party influence was pervasive, with political indoctrination of recruits (recruitment was often influenced by the degree of ideological commitment of the applicant), and most police were party members. Socialist-era police were also highly centralised, with high degrees of supervision over daily activities and decisions, and had a militarised administrative style based on the strict obedience of orders. Centralised control also prevented the development of administrative autonomy of local police.¹¹ Given the tightly constrained decision-making power of individual policemen who normally had to seek approval from higher-ups on most decisions, the development of individual powers of judgement and discretion among individual police officers was inhibited.¹² Socialist-era police also lacked transparency, and the existence of classified laws and regulations that reached into areas of daily life including religion, mobility and housing meant that the state's authority as exercised by the police was both overarching and unknown to citizens.¹³ Furthermore, the Party functioned above the law, with a prohibition against investigating and prosecuting Party members unless authorised by the Party itself.¹⁴ Manipulation of the legal process was thus enabled by the blurring of political, judicial and law enforcement powers and close links between Party, procuracy and police.

11 While Western European democracies underwent a process of liberalisation in their criminal justice and penal policies after World War II, which included abolition of the death penalty and the development of alternatives to imprisonment, the criminal justice systems of Communist countries did not experience the same type or degree of liberalisation. Compared to Western European states, official crime rates were very low. Since state socialist ideology held that crime was by definition a capitalist phenomenon that was supposed to disappear with the achievement of communism, a lower crime rate confirmed the superiority of the communist system over the capitalist system. As a result, officials tended to actively discourage the reporting of crime, with the result that crime rates were artificially low levels and are considered unreliable by analysts. Toward the end, as the Soviet Union neared its collapse, the gap between the official rhetoric of decreasing crime and the experienced reality of insecurity and fear of crime became too great to paper over by manipulating statistics on crime made known to and solved by the police, leading to a somewhat more accurate official depiction, yet one which still fell far short of the known numbers of crimes which circulated among the security establishment. At the same time, socialist criminal policy was harsh in comparison to that in Western Europe, and rates of incarceration were high through convictions in criminal cases and by the use of psychiatric evaluations for unsocialist thoughts and acts. For example, whereas Western Europe relied heavily on fines in terms of penal sanctions (often comprising over 80 percent of penal sanctions in many European countries), Poland relied predominantly on the punishment of imprisonment, with fines constituting less than 10 percent of penal sanctions during the 1970s.¹⁵

12 With the change in regime in 1989, CEE states faced a triple challenge: overcoming the communist legacies in their criminal justice systems; reforming the police to reflect principles of democratic policing including international standards in human rights; and contending with the growth in crime and public fear of crime. More broadly, post-communist states faced

- the task of building criminal justice systems that were more democratic and transparent. Crimes had to be redefined, depoliticised, and penalties diversified and made less harsh. Criminal justice system transformation included removing references to socialist rule of law, introducing due process guarantees, eliminating the categories of ideological crimes and crimes by analogy¹⁶, abolishing the death penalty and introducing more lenient sentencing as well as reducing the reliance on imprisonment by introducing alternative forms of penalties and non-custodial sanctions such as fines, while also improving living conditions in prisons.
- 13 The post-1989 social context was one of growing levels of poverty, unemployment and extremes of social differentiation at the same time that privatisation of state assets and market reforms were transforming numerous economies throughout the region. Policing was often severely under-resourced, and understaffing due to the departure of many personnel from police structures (for better paying private employ in private security firms or as muscle for organised crime), low levels of public trust and prestige accorded the police, and serious morale problems left the police structures weakened and less able to fulfil their functions in an ever more challenging environment.¹⁷ All post-socialist societies experienced an explosion of regular and transnational organised crime involved in smuggling drugs, people, arms, or conventional contraband such as cars, and in some areas, the criminalisation of the economy through growth of the shadow economy and links between organised crime and corrupt state officials.¹⁸
- 14 Due to the problematical crime recording practices throughout the region, pre-1989 and post-1989 comparisons must be approached very cautiously and some analysts maintain it is more useful to look at 1990 figures with subsequent years, a period when many of the earlier constraints on reporting crime no longer applied and new methods of compiling crime statistics were implemented.¹⁹ A number of comparative crime surveys have been undertaken and demonstrate clear trends across the region. After the fall of communist regimes in 1989-91, Central and Eastern European societies experienced major changes in the nature and extent of crime. Crime rates throughout the region exploded and showed overall upward trends which continued throughout the next decade. Some of the biggest increases were seen in property offences. The median rate for domestic burglary in 2000 was 72 percent higher than the rate in 1990, while that for motor vehicle theft in 2000 was 236 percent higher than in 1990.²⁰ Some violent offences grew more modestly, with the median rate of rape offences at 8 percent higher in 2000 than in 1990, and assault 16 percent higher. However, median rates of robbery were 100 percent higher in 2000 compared to 1990, and homicide showed a 30 percent higher rate.²¹ Some of the growth in crime was country and even city specific. For example, in St Petersburg, the level of all crimes increased 2.3 times between 1987 and 1995, while violent serious crime (murders) increased 6 times in the same period.²²
- 15 According to one study, the early explosion of violence and crime peaked in the mid-1990s, with subsequent decreases to 2000 in certain categories as police and state authorities became more adept at dealing with crime, including organised crime, and as political and socio-economic conditions began to stabilise. On the other hand, consistent growth in property offences throughout the 1990s has been hypothesised as reflecting the growth in unemployment and the expansion of the market economy, and correspondingly the availability of goods.²³
- 16 The impact of the surge in crime on citizen attitudes has been significant. Post-socialist CEE publics have demonstrated high levels of fear of crime and feelings of insecurity. At the same time, they generally continue to perceive the police as corrupt or as serving the interests of the state or private interests rather than those of the community.²⁴ The International Crime Victim Surveys (ICVS) indicated that of all the major regions of the world, citizens in the countries in transition of CEE feel least safe, with 46 percent saying they feel safe in the

street, while 53 percent feel a bit unsafe or very unsafe.²⁵ In 1995, for example, 40 percent of respondents in the Czech Republic felt insecure on the street near home after dark, while 35 percent of Poles felt insecure. The widespread fear of crime is not only a result of the actual increase in crime rates, but also in part a function of the liberalisation of the media in post-socialist societies and their transformation from ‘good news media’ which censored domestically troubling news items, to ‘bad news media’ operating on the assumption that crime and exposés of corruption and ineffectiveness of state officials, including the police and criminal justice system, sells more papers.²⁶ During the period from 1992 to 1996, the general level of satisfaction with the police controlling crime locally either decreased or remained at the same level across the countries in transition, and in no country (with the exception of Slovenia in 1992) were a majority of the citizens satisfied with the police.²⁷ Satisfaction levels with the performance of the police are much lower in Central and Eastern Europe than in Western Europe. In a 1996 survey, 73 percent of Western European respondents were satisfied with the police performance, increasing to 78 percent in the 2000 survey. By comparison, only 33 percent of Central and Eastern European respondents were satisfied in 1996, increasingly marginally to 34 percent in 2000.²⁸ Publics in the CEE countries in transition also cite police as the public officials most frequently involved in corruption, particularly in Russia, Bulgaria, Croatia, Yugoslavia, Hungary, Lithuania, the Slovak Republic and Georgia.²⁹

17 Another major difference between Western Europe and CEE as revealed in the ICVS is in attitudes towards the police. Victims of crime in Central and Eastern Europe remain less likely to report the crimes to police, with 32 percent of victims reporting the crimes to police in 1996, increasing slightly to 34 percent in 2000. In comparison, 48 percent of victims in Western Europe reported crimes to police in 1996, with 56 percent doing so in 2000.³⁰ Reluctance to report crimes in post-socialist societies may also result from fear of revenge by the organised gangs responsible for certain types of crimes.

18 The growth in public fear of crime throughout the post-socialist region has significance for politics and policy. In contexts where public fear of crime reaches high levels, public, media and political parties can create pressure for punitive crime control policies as ‘law and order politics’ comes to dominate the political agenda, leading to calls from certain political parties, media and members of the public for more punitive crime control policies. In some countries, such as Poland, there was a time lag before public fear of crime began to be felt on the policy level. The immediate impulse following the change in regime in 1989 was liberalisation of criminal justice policies, and during this period experts in criminal justice tended to dominate the discourse and development of policy. By the second half of the 1990s, however, law and order politics began to take effect as political parties began to swing their support behind more populist alternatives to crime control policies.³¹ In the case of post-socialist Central and Eastern Europe, fear of crime was a countervailing factor to the tasks and challenges of liberalising the overly harsh criminal justice systems (as compared to Western European states). Indeed, under the pressure of law and order politics and criticisms of sentencing policies perceived as too lenient, Polish penal policy is no longer on the path of liberalisation, sentencing has become more severe, and rates of imprisonment in Poland have steeply increased in recent years.³² A similar dynamic is visible in Estonia, where a political party with a strongly conservative social platform and law and order politics came to prominence in 2003 and has led the trend towards a more punitive criminal justice policy.³³ In the Balkans, the emergence of state-organized crime syndicates engaged in smuggling of all kinds of goods and people, a traffic protected by violence and fear, undermined much of the impetus for reform and increased public demands to crack down on crime.

19 Thus post-socialist societies encountered significant challenges in transforming their policing structures. All of the states share the legacy of a decades-long experience as state socialist regimes which used the Soviet model of policing based on police that remained subject to Party

control. Moreover, all of the states experienced sharp increases in crime and pervasive public fear of crime and the perception that police were unable to adequately assure their personal safety and protect their property. These factors also contributed to the widespread emergence of private police and security firms, a theme to which we will return later in the paper.

Experiences in post-socialist police reform

- 20 Fundamental and sustained reform of the regular policing system has proven one of the more difficult tasks faced by the post-socialist states. While many changes have been made in police organisations in terms of the declaratory statements of policing officials, legal frameworks and symbolic and structural reforms implemented (such as changing the name of the organisation from militia to police, changing uniforms and rank structures), they have often proven superficial and do not yet appear to have succeeded in fundamentally changing the working values, habits and practices of the police to the point where they could be said to fully embody democratic policing. The police cannot yet be said to espouse a service mentality and the relationship between citizens and police must still undergo fundamental change before it can be said that police are accountable and enjoy public consent and legitimacy. Chronic underfunding and lack of effectiveness in combating crime contribute to the lack of public trust and confidence in police organisations throughout the region.
- 21 Nevertheless, with the passage of time, the police reform experience is becoming increasingly differentiated across the post-socialist region. The states differ greatly in terms of the sizes of their territories and populations, the nature of the regime change to democratic systems, as well as the rates at which they have subsequently transformed their political and economic systems. While some states have moved quickly to 'rejoin' European structures, with the added incentives and normative models implied by the dynamics of accession and improvements in overlapping areas such as state administration reform and judicial reform, others retain authoritarian governments, have experienced armed conflict and inter-ethnic violence, or face internal security threats in the form of nationalist revolts and insurgencies. And while, as discussed above, all post-socialist societies have experienced surges in crime, some have the added burdens of high rates of corruption of state structures, notably including police and other security services, and the penetration of organised crime throughout state structures and societies.
- 22 The greatest progress among post-socialist states towards establishing effective, accountable and legitimate police has occurred in certain Central European states such as the former GDR, Hungary, the Czech Republic, Poland and Slovenia. Legislative reform in the area of policing is at an advanced stage in these countries, and progress towards both depoliticisation and demilitarisation of the ethos and culture of police has been realised. However, decentralisation of policing has been slower to take root, or where it has occurred, has resulted in lack of cooperation among local police organisations due to shortages in personnel and resources.³⁴ Aside from former East Germany, which is not easily compared with the other post-socialist states that were not absorbed by another entity and benefited from the same scale of investment of resources into the reform process, police reform has progressed in those states that are acknowledged to be the most advanced in terms of democratisation and creation of market economies. This group of states have also joined the European Union or are in the process of joining, and hence must harmonise their legislation across many fields. EU accession requirements, however, have focused more on improvements in the efficiency of policing, in particular international police cooperation and the countering of serious transborder crime, than the achievement of democratic policing as defined in this article.³⁵ Moreover, international human rights monitors continue to note continuing problems with abuse of certain categories of individuals, namely Roma and other visible ethnic minorities (Hungary,

- Czech Republic, Slovakia) and pervasive low-level corruption among police (Poland). These sources also note continuing problems with human trafficking through the region.
- 23 Present-day candidates for EU accession Bulgaria and Romania have been active in reforming police structures and legislation but continue to experience problems with police use of excessive force and mistreatment of detainees and continuing police accountability problems.³⁶ Important changes are evident in policing in post-socialist Lithuania, where a new structure, in combination with a determined effort to combat organised crime through the passage of new anti-organised crime legislation, an increase in funding for police recruitment, training and equipment, and the creation of specialised units, is considered to have contributed to improvements in combating organised crime by the mid-1990s.³⁷ While police abuse of detainees remains a problem, improvements have been made to police accountability.³⁸
- 24 Police reform in the Western Balkan states not only confronts the legacy of state socialism, but is also distinguished by the recent experiences of authoritarianism, inter-ethnic tensions and armed conflict and their lingering aftermaths in terms of organised criminal networks, widespread trafficking and corruption. Achieving democratic policing throughout the region is vital for long-term reconciliation and peace-building efforts. Where police had been involved directly in armed conflict or paramilitarised through being subject to military command, discipline and combat roles, one of the major tasks involves entrenching the philosophy and functions of the organisation as a professional civilian law enforcement agency that serves the citizens. Further, police officers who had been involved in ethnic cleansing and human rights abuses must be identified and removed from the police in order for the organisation to begin regaining the trust and confidence of local minority communities. Where police organisations are ethnically homogenous, they must become more representative of the diversity found in local communities. The Western Balkans sub-region is also unique in the sustained engagement of international and regional organisations through peace support missions, rule of law assistance and security sector reform programs that directly affect policing organisations. In some states, such as Bosnia-Herzegovina, all of the pressure for democratic policing reform derives from the international community. In some states, the police experience in the armed conflict strengthened initial public confidence in the police as a key institution of the new state, although it also tended to strengthen the bonds of loyalty and the code of silence among police officers, complicating efforts to improve accountability and root out corruption.³⁹
- 25 Police organisations in many Soviet successor states continue to demonstrate authoritarian tendencies, and remain more militarised, centralised and politicised than is generally the case in Western societies. Indeed, the politicisation of Russian law enforcement was recently cited by a leading democracy monitoring NGO as one of the key factors for its downgrading to ‘not free’ status in its annual ranking of states.⁴⁰ The problems of police transformation must be seen in the broader context of corruption and organised crime that pervade many of these states. In certain countries police continue to exhibit serious problems of abuse of power, corruption, mistreatment and even torture of detainees and prisoners.⁴¹ One legacy of the Soviet system is the highly centralised plans and a culture that discouraged initiative and the development of personal discretion among officers. This has had a lingering effect on leadership and management in post-Soviet societies, including in the policing field.⁴² Post-Soviet states have systems of legal education that tend to be highly theoretical, without adequate teaching of practical skills. Police officers applying for management training at the National Academy of Internal Affairs in Kyiv, for example, are required to have a law degree. The training of police managers in Ukraine tends to heavily emphasise learning the legal framework and theoretical issues, rather than practical and effective management techniques.⁴³
- 26 Moreover, centralised control and party oversight, led to a fear of discretion at the lower ranks. Police working the street were reluctant to take any action not directly specified or

sanctioned by their superiors, leading to vast inefficiencies and massive corruption as officers went in search of directions whenever an unusual situation occurred, rather than use their discretion to arrive at a situationally justified solution, or sought to solve the problem faced by intimidation and corrupt means. Of course, the willingness to make decisions which are not precisely spelled out by law or organisational regulations is a fundamental aspect of democratic policing. The exercise of discretion at the lower ranks of the police organization is shaped largely by occupational cultures, and those are the most difficult elements of policing to change by formal policies and training. The continuity of occupational cultures in the policing systems of CEE states has proven to be a major obstacle to the effective implementation of reforms.

- 27 A development that is having profound impact on policing and the provision of security, including throughout the post-socialist region, is that of the privatisation, or alternately, the multilateralisation of policing and security. Bayley and Shearing have posited this broad trend as heralding a fundamental transformation in the governance of security involving the separation of those who authorise policing from those who actually perform policing. In other words, policing is no longer exclusively carried out by governments, and that there is an ongoing transfer of both functions (the authorisation /demand of policing and its provision / supply) away from governments. It goes beyond privatisation; the boundary between private and public domains is becoming increasingly blurred in the policing domain. Consequently, the term multilateralisation is preferred over privatisation.⁴⁴
- 28 The transformation in policing involves a fundamental shift in how policing – and security more generally – is being governed.⁴⁵ Not only is the authority to produce security being transferred to groups within states, but this authority is being handed upwards (supranationalisation) to international political actors such as the United Nations and European Union, but also to international financial institutions such as the World Bank and International Monetary Fund, regional actors such as the OSCE⁴⁶ and OECD⁴⁷, and foreign assistance agencies within states,⁴⁸ who are increasingly becoming concerned with state spending on security and the relationship between economic and political development and reform of the security sector. This transformation suggests the need for governance of policing and security at transnational levels.
- 29 Multilateralisation of both the auspices and providers of policing is evident in post-socialist states, and is particularly striking in Russia. Public fear of crime escalated dramatically while police lacked adequate resources and know-how to combat the surge in crime. Additionally, policing capacity was undermined as many members of the regular police and state security agencies left the services for private sector employment with private security companies. The police were perceived as unable to provide public security, and as a result those who could afford to turned increasingly to private security agencies. These agencies have become providers of many functions traditionally performed by the state, including law enforcement, but also administering justice, resolving disputes, protecting people and property, debt enforcement and intelligence-gathering.⁴⁹
- 30 In post-Soviet societies, the emergence of a ‘shadow state’ and underground, largely criminalised, economy controlled by organised crime groupings led to a system of private and brutal enforcement and protection, or policing, of that economy, and spilled over into the legal economy as legitimate domestic and international firms were pressured into buying protection for their personnel and properties against criminal acts from the very people most likely to do them. The state police could do little to protect companies against such extortion and demands for participation by organised crime in their legitimate activities.
- 31 The Russian transition from state socialism involving rapid privatisation and economic liberalisation from 1992-1995 also triggered important structural changes in the provision of law enforcement, security and justice. The transition created a broad array of new economic

actors who required protection in an environment rife with extortion and criminal groups. However, such protection was not provided adequately by the Russian state security and law enforcement services, which experienced personnel loss and diminishing efficiency as the state deliberately sought to decrease the power of state security and law enforcement structures by decentralising them and creating multiple agencies with overlapping areas of jurisdiction. As a general result of these reforms, state control over organised coercion and administration of justice became increasingly fragmented. The vacuum in protection resulted in a surge in growth of private protection and enforcement agencies that drew on the personnel of state security structures and offered services based on special relationships with those state structures. What has become visible in Russia is a 'hybrid sector' of private security firms that exist between the private sector and the state. These profit-driven firms sell protection and contract enforcement services, drawing especially on their links with state security organs to not only provide protection, but to engage in directly in the sphere of business transactions through informal negotiations with other enforcers in case of breach of contract or failure to service a debt.⁵⁰ Large private protection companies 'tend to preserve their corporate identity and resemble privatized segments of the state defense and security ministries. The chiefs of private protection companies openly admit what they call mutually beneficial cooperation with the state organs, meaning an exchange of operative information for money or equipment.'⁵¹ The Russian state encouraged the formation of such firms through legislation that made it easy to set up such agencies, particularly if an individual had professional experience in state law enforcement or security organs. In such a way, creating space for the establishment of private security firms was a means of facilitating the reemployment of former security and police officers in the private sector.⁵²

32 Private security agencies in the region have close links to state police and security agencies, due in part to having absorbed large numbers of former secret service, police and army officials, and communist-era high officials. In Poland, the private security sector 'is more numerous, better armed and equipped and more visible than the state police sector, and it offers both legal and criminal services.'⁵³ Furthermore, 'the police routinely direct victims of certain crimes to look for private protection and assistance or else, through inaction, tacitly encourage other victims to seek private means of redress.'⁵⁴ In Russia, private security companies constitute a form of 'hybrid policing', with PSCs often maintaining close relations with local police and helping to define and maintain public security as well as protecting their private clients.⁵⁵ There is also a state body, the Extra-Departmental Protection Directorate of the Ministry of Internal Affairs (UVVO) which contracts with individuals and firms to protect private property, while still retaining public security responsibilities.⁵⁶ Aside from contracting the UVVO for protection, private interests may seek mafia protection or may approach local police agencies and/or their individual agents for protection and special services. Having privileged access to state providers of policing is closely linked to power in Russia. One means of gaining access is through corporate donations; local MVD organs, for instance, are the second largest recipient of corporate donations following the disabled.⁵⁷

33 The situation in Russia, with its diverse range of security auspices and providers, is suggestive of a weak state which has difficulty meeting the security needs of its citizens. The selling of protective services to private interests by state agencies such as the UVVO, and the privileged access to services of MVD organs through private donations may help to aggravate and deepen problems of legitimacy by the public providers of security. Nevertheless, some experts on the dynamics of weak and failing states maintain that international donors have over-relied on the state as the main authorizer and provider of security. Rather, they suggest that reforming the governance of security in weak and failing states requires drawing on local knowledge and creative mobilisation of a broad range of non-state actors and resources, both domestic and transnational. Creative partnerships in security governance, including those between state and

non-state actors, is being advanced as a potential means of serving local public security needs while relieving pressure on state agencies and enabling them to emerge or regenerate.⁵⁸

Conclusions

- 34 While the countries of CEE and FSU are increasingly diverse, especially in terms of the consolidation of democracy and stability, they share common political, economic and social legacies from their recent experience of state socialism. The effects of Soviet-type policing continue to be felt in these countries, although it is expected that with the passage of time, post-socialist conditions will fade and more distinct national systems of policing will become evident. The homogenising effects of international norms and EU standards as well as the impact of international donor assistance must also be taken into account as factors shaping the future development of these policing systems.
- 35 Despite the structural and procedural reforms implemented in policing organisations across the region, the overall results are not yet satisfactory, especially when one takes into account the views of citizens and crime victims. The continuing low rate of public confidence and satisfaction in the police and reluctance to report crime, along with the generally elevated fear of crime and feelings of insecurity throughout the region, speak to an urgent need for improving police performance in crime prevention and control and changing the relationship between the police and local communities. The record of the past fifteen years indicates that the transformation from authoritarian to democratic policing is not something that can be quickly achieved, but is a long-term process requiring years of reform and investment.
- 36 Finally, new forms of security provision have emerged throughout the region. Private security companies have become suppliers of services previously provided by the state through its monopoly on legitimate violence. The proliferation of private security companies and their ambiguous links with state police and security institutions require further study, with special attention to implications for security governance.
- 37 But a focus on policing, in all its multilateralised forms, will not be enough. As noted earlier, crime and fear of crime are powerful political issues which are easily exploited for partisan and personal gains. The temptation to use crime and the police as political symbols and issues is ever present. Only when that temptation is resisted by political leaders and community activists can reform of policing systems begin to move toward democratic norms and forms.

Endnotes

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Abstract

This article provides an overview of changes in modes of reforms of the structures and processes of policing in the context of the democratic transition of Central and Eastern Europe. It begins by discussing the concept of democratic policing as the ostensible goal of police reform in democratising states, then draws out the general parameters of police reform in CEE, including some of the obstacles and problems that have been encountered, and future directions for research.

Keywords : Policing, Crime, Police Reform

Research Fields : Political Science

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