

II. year 2. number  
of sheets

# LAW ENFORCEMENT

2013/2. NUMBER OF SHEETS



B U D A P E S T  
– 2013 –

**MINISTRY OF INTERIOR DIRECTORATE FOR EDUCATION, TRAINING AND SCIENCE ORGANIZATION**  
**ONLINE JOURNAL**

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**Dr. Róbert Major PhD, police lt. colonel:**  
**Possibilities of update of driver's license training in Hungary**

**Possibilities of update of driver's license training in Hungary**

In the course of the history of almost a century of motor-vehicle traffic numerous theories have been launched in regard to the reasons of accidents. The psychologists were the most active worldwide: they outlined a great number of reasons - mostly in parallel with the change of the great *theories* - and worked out multiple methods for the exact measurement of fitness and suitability. These techniques developed and improved a lot in the course of decades but they still have a key role in the driving aptitude test of a great number of countries.

The same development concerns also the methods that offered - by the ergonomic improvement of the vehicle and the update of the information technology - more and more reliable "working place" for the driver.

By the progress of knowledge and the improvement of statistical data acquisition and the evaluation of the same we came to classify the **reasons of the accidents**. Our starting point was that the reasons provoking accidents should be divided into groups according to the threefold structure of traffic system (person - vehicle - environment).

That is how the classification was established that everyone accepts up to now:

- the fault of the driver as reason of the accident,
- the fault of the vehicle participating in the traffic as reason of the accident and
- the fault in the traffic environment - mostly a road deficiency - as reason of the accident.

No efficient accident prevention can be realized without data analysis on appropriate level and standard but when searching the reasons of accidents it is indispensable to perform the motifs that exceed the extent necessary for the legal evaluation of the penal or petty offence background of the accident. Practically: we have to examine not only the fact which participant of traffic caused the accident by its criminal conduct but also which circumstances led to the traffic rule violation. Such circumstances of "secondary reason" occur, however, not

only in regard to a person. In case of accidents **due to the traffic environment** - first of all due to the imperfections of the road surface we have to explore why this imperfection occurred and who or which company did not fulfill its obligations or failed to follow the prescribed conduct. At the same time we have to analyze why the driver did not notice the imperfection of the road, could it be expected that he notice the imperfection or which contravention conduct prevented to see the irregularity of the road.

In case of accidents occurred due to the **defect of the vehicle participating in the traffic** we have to check the character of the technical defect, its predictability and the appropriate quality of manufacturing technology. Apart from that we have to take into consideration the failure of maintenance and the lack of control as secondary reasons.

The accidents occurring due to the **fault of the driver** represent the majority of accidents: this proportion fluctuates year by year between 98-99%.

In view of the basic task of prevention we have to discover also the background of human errors. It is obviously a faulty conduct consequently infringement when the driver does not stop at road crossing in spite of the red light. It would be incorrect to suppose, however, that you cannot do anything about the faulty behavior of the driver. There must be an explanation for human errors, too, but the recognition is not always simple. It does not mean naturally that the recognition of the infringement would change the issue of the responsibility in the legal sense (but it could of course influence the extent of the sentence), but only the fact that the exploration of the faulty behavior could constitute the fundamental pillar of accident prevention.

In regard to human faults we have to extend our investigation also to the circumstances occasioning of explaining the faulty conduct such as fatigue, intense emotion, lack of knowledge of the site or even the difficult recognition of the traffic order and of course the lack of knowledge of the rules.

We can treat subjective and objective reasons in another approach.

We call **objective** the circumstances occasioning a human fault which signify *generally* a danger to traffic as a circumstance independent from the human being. Such objective reasons can be the limited visibility as fog or the alteration of the adherence features of the road surface like slippery road.

**Subjective** reason in this classification can be the faulty behavior itself and naturally the circumstance occasioning of explaining the faulty behavior, which mean *direct* danger to traffic safety.

The exploration of human, vehicle or environmental faults must be followed by the *intended intervention* into the traffic system with the purpose to diminish the amount of faults and mistakes under the supportable level.

By the second half of the 20<sup>th</sup> century crime prevention was treated merely as an activity that can be fulfilled by police measures. They were convinced that appropriate legal regulation, the enforcement of the execution of the rules, the prospect of serious sanctions and the grave punishment of the perpetrators, all that would result the diminishment of crime. In view of the succession of fiascos the attention of researcher was led to other tools of criminology and **the tools of crime prevention outside the law** came into the limelight. You have to think about simple measures such as the prevention of the theft of mobile phones: if it is put in the neck of the child let it be hidden under the clothing. Another aspect: in the green zones of condominiums the vegetation should be limited in height of the eye so that you could survey the entire housing estate.

The prevention of situational crime is in this way nothing else, but the amount of measures aiming at the diminishment of the opportunity. These are focused on special forms of felony and signify the systematic and structural change of the immediate environment in view of rendering the commitment of crime more risky and difficult consequently diminish the benefit of the perpetrator. <sup>1</sup> “*The basic philosophy of the prevention of situational crime is that the repression of crime can be achieved first of all by the reduction of crime opportunities.*”<sup>2</sup>

The majority of traffic crimes (the occasioning of accidents by all means) is a reckless act, so the analysis of expenditure-yield can only be interpreted in regard to the infringement leading to the accident. The driver accepts as a prospective yield that in case he violates deliberately the rules, he gets sooner to his destination. In the course of the realization of this behavior, however, he increases significantly the risk of occurrence of an accident, consequently the risk of impeachment and these factors are presented in form of expenses. The situational crime prevention is justified in the field of the prevention of traffic accidents as reckless criminal offences in the case if one can make it unanimous for the individual: the probability of expenditure is greater than that of the prospective yield.

The traffic safety interventions comprise fundamentally three areas:

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<sup>1</sup> Ronald V. Clark: Situational crime prevention. In: Michael Tonry – David P. Farrington (eds): Building a safer society. Strategic approach to crime prevention. The University of Chicago Press, Chicago-London, 1995

<sup>2</sup> Irk Ferenc: Situational Crime Prevention in Housing Estates. In: *Barabás Tünde* (editor): Built environment – crime – situational crime prevention. OKRI, Budapest, 2008.

- engineering – this concerns not only the organization of traffic but also the safety of vehicles (Engineering),

- traffic control: an essential tool of the enforcement of proper behavior (Enforcement),

- education comprising not only the actual instruction but also the education to safe circulation on the road (Education)

The system named “3E” as per the English name of the intervention points is suitable not only for the treatment of the explored traffic safety problems but also for the analysis and appraisal of the interventions made.

### **“Education”**

The most obvious way of the avoidance of accidents is to persuade the players of the road traffic to a proper and responsible conduct. They have to understand that the slightest infringement jeopardizes their own life, the life of others, their physical fitness and their respective properties.

According to the Act I. § 17 of 1988 on road traffic: *“In the interest of the increase of traffic safety, the enhancing of the culture of circulation and the interpretation of traffic rules and the proper conduct of circulation we have to make systematic the relevant education, instruction and propaganda.”*

The education is a multi-layer process. It comprises the training of drivers, when they have to learn – apart from knowledge of rules – the aptitude of applying such rules and the identification of danger situations has to be kept in view. The driving courses are preceded by the education programs of kindergarten and school as foundation to the education of children to safe circulation. The same purpose is supported by programs, competitions and camps of different frequency and purpose.

Certain drivers can enjoy increased social attention: such are members of the police, drivers of public transport vehicles, politicians, well-known personalities of the media, actors and musicians. It is indispensable that drivers behave in an exemplary way in public circulation.

Such pile of accident prevention is the activity of mass communication (PR) as it might have and should have educative purposes. This scope could comprise publicity films, placates, flyers and naturally the interpretation of the measures of both of the other piles - engineering and traffic control – towards the public.

## **Drivers' training**

In the actual system of training drivers for “B” category the minimum duration of theoretical education is 28 hours and the practical training lasts 29 hours. In case of category “A” the theory lasts 22 hours and the practice 26 hours, while for category “C” the theory is 80 hours and the practice 29 hours.

The duration determined in the legal rules is sufficient for learning the rules but I am convinced that in the future theoretical instructions about merely legal rules should be replaced by instructions about the essential of driving, the dangerous situations, the character of human faults and the recognition of danger situations and – generally about the actual evaluation of traffic situations.

Each educational system is characterized by the fact that they are adapted to the examination requirements. If an education center starts its activity – whether on basic, medium or high degree or even a center of special professional training – they put an emphasis on the elaboration of the education program and the arrangement of the instruction program. If they come to the period of examination questions arouse such as the method of examination, the precepts and other practical issues. What would be desirable on the other hand is that – on the contrary - they should define the method of measurement of competences, the examination methods, the examination questions, and afterwards the point: what sort of instruction is needed to the obtaining of the proper competence.

At present the test-takers have to solve test-questions. Among these questions mainly the combined drawing-situation questions are acceptable for the application of the priority rules as the solution of these questions require the knowledge of the relevant rules. All the other questions inquire about mechanical knowledge of the rules.

It would be more reasonable in the course of theoretical examination to focus on a given traffic situation, traffic site, a vehicle, the road or any detail relating to a pedestrian, a vehicle or the traffic environment after presentation of a comprehensive picture and ask the candidate what he can do in the given situation, what he would do, can he start with the given vehicle and what would be the speed of the vehicle etc.

The education system should be transformed for such examination type that is to say in spite of mechanical knowledge of the rules **they should learn the competence-level application of the rules.**



The ideal solution would be of course if the theoretical examination would have references to the local environment – that could be made familiar later on. In the practice it would signify that we use photos shot on the site in the course of instruction.

## **Simulation**

The simulation-technique is unanimously applicable in the vocational training of drivers at present. If you think of the training of pilots you'll admit that the exclusive way of presentation of dangerous situations and sources of accidents is the application of a simulator. The automobile simulator has been developed for driving schools and companies dealing with driving techniques. The equipment contains original car parts (steer, switches, hand brake and gear, pedals etc.) so that the user could obtain true experiences. The instrument panel appears on a small monitor while the view is ensured by a presentation system comprising one or several screens. The mirrors appear on the monitor in lifelike position digitally. The steer is provided with motor-driven resistance-mechanic in order to make sensible the relationship car-road. Sound-effects are intermediated by incorporated multichannel sound system. The car-simulator created essentially for the training of "B" category students is provided with professional, multiple software that helps among others in fuel-sparing driving and fundamentally in the evaluation of driving competences. The development of simulation techniques hides unbelievably large possibilities in itself. There are naturally numerous cheaper and more expensive solutions. There is a solution for instance that you install yourself in a veritable car and the traffic environment is projected on a considerably bigger screen. Such simulators are of course suitable not only for the practice of personal cars but also for the training of other vehicle categories.

The simulation cannot replace naturally real driving. Opposite allegations might lead stray the education of drivers. Simulator is only an auxiliary tool appropriate for the recognition and practice of dangerous situations and for the measurement of the reaction time etc. but for this purpose only this instrument is appropriate.

The imitation of traffic and driving is not unconditionally focused on the entire driving activity: it is possible to raise certain characteristics. Such imitation tests are rendered possible by the driving technology courses and the technical tools mounted on the vehicle – artificially reducing the adhesion between the wheel and the road surface. The driving technique courses provided with special coating, and special technologies, which incite the loss of stability of the vehicle by artificial intervention are proper – if you sit in a real vehicle - to offer the

experience of driving a vehicle having lost its stability and they can teach of course the practice of proper reactions.

The use of such technical tool is in the near future naturally a basic requirement of the training of drivers: in the first phase for the use of distinguishing signs by the persons entitled, in the second phase by drivers working in public transport and in the third phase by the professional drivers working with heavy vehicles and buses. For a longer term we have to assure that a driver, who did not make the experience of slipping even in simulated circumstances, could not come into live traffic conditions.

### **Driver's license for beginners**

The point of the driver's license for beginners is that the person with fresh driver's license could take part in public traffic only with certain restrictions – as he does not have the routine. The beginner drivers under practice of two years cause some 10 percent of the accidents caused by drivers. If we think that beginners are more cautious we are wrong: this proportion is too high.

The theoretical dissolution of the restriction related to the beginners' driving license is the obtaining of the routine. In spite of that and on the basis of the relevant legal rules the qualification of beginner expires automatically after the lapse of two years. Consequently without the certificate of any competence whatsoever, by the lapse of time. For a long term it is indispensable that the system related to beginner driver's license be transformed into a **multiphase training**. This system would be much more efficient for the creation of the driver's conduct and attitude focusing on the safety. In my opinion beginners might obtain "final" licenses after the period of independent practice only if they definitely justify their driving competence. The interval of two years is generally convenient but the issuance of a final "driver's license" should absolutely be bound to a practical examination. Such an examination could be made simply as the instructor has clear knowledge of the fact if the trainee has **suitable routine** (vehicle handling, recognition of the situation, driving technique, recognition of danger etc.). Naturally examination requirements and the exact process of the examination are to be established in a legal rule.

At the same time you have to make clear the limitations required for a beginner to take part in the live road traffic. According to present regulations beginners are not allowed to tow a trailer and cannot bring passengers on motor-bike. These limitations are to be complemented by speed limitation on motorways and in case of category "A" by prescription of the driving

in company of a person having driving routine. Another proposal aiming at the increase of safety is that the person having a beginner's driver's license could be allowed to drive only a vehicle under a certain output. (As a matter of fact it is the accepted principle for motorbikes in case of categories 'A1' and 'A limited'). Another limitation to be considered: the obligatory use of the sign "T" for learner driver.

All suggestions require detailed study that surpasses the extent of this treatise: the establishment of the period of driver's license for beginner on one hand and in regard to the limitations and other rules to apply on the other hand. It is indispensable that this inquiry cover also international experiences since there are several states where until the age of 21 years only vehicles with a determined cylinder capacity can be driven and the "T" sign has to be borne for one year after obtaining the driver's license. In other countries there is practically no training for drivers: everyone can obtain the necessary routine at home, and after having passed a simple examination he can have a driver's license immediately. I am convinced that Hungary should follow the former practice.

### **Complementary training**

In the actual training system the holder of a driver's license obtains the right of driving - both from theoretic knowledge and practical aptitude (for the duration of his health fitness) - forever while neither his theoretic not practical knowledge is checked. According to my proposal - similarly to the periodical system of medical fitness examination - every license holder should attend a complementary course every five to ten years. This does not necessarily involve school desk-type training. It means that he receives a message by mail or e-mail in which we call his attention to the changes of the traffic-related rules (Highway Code) and other changes occurred in driving technique, vehicle technology or in traffic conditions. After studying this material the driver will have the opportunity to pass a brief and simple examination and prove that he has updated his theoretical knowledge and still have the routine of practical driving.

I suggest all that in spite of the fact that it is generally known in professional quarters that the knowledge of the Code by drivers occasioning accidents is not worse than that of those who drive accident-free. Apart from deliberate infringement there are - though rarely - some cases of offense due to the lack of knowledge of the code. In consideration of the limited number of such accidents the necessary changes of the training should not be directed to the knowledge of rules - as mentioned above - but rather to the prevention of danger.

## **Prohibition of driving and rendering fit**

The punishment of prohibition appears both in the criminal and in the misdemeanor statutes. The weight of the matter is proven by the fact that even the Constitutional Court has dealt with this issue and queried whether the right of circulation is a constitutional fundamental right and whether we can limit someone's participation in the traffic by forbidding him to drive. According to the Constitutional Court: "*The right of free movement and the liberty of circulation cannot be considered as a right of absolute character that cannot be limited. The legislative body establishes the rules governing road traffic on the basis of sufficient reasons - fundamentally in **the interest of the protection of the life and safety of traffic participants**. Consequently it requires from the driver to be in a **condition apt for driving, to have a valid driver's license and to respect the legal rules** regarding the order of road circulation.*" (Resolution of the Constitutional Court 3/1992. AB). According to the quoted rules the application of the sanction of the prohibition of driving is constitutional. In the Penal Code the prohibition of driving figures among the penalties and sentences: "*Any person can be prohibited from driving, who commits a crime by violating the rules of permission-bound driving or uses a motor vehicle for the committal of crimes.*"

The misdemeanor right qualifies on the other hand the prohibition of driving as a measure and not as punishment: "*The person implied in a procedure can be prohibited i.e. in certain cases stipulated by the law the person implied in the procedure has to be prohibited from driving, if he committed the misdemeanor by the violation of the rules of permission-bound driving.*" (The prohibition is obligatory in case of recurrent committal.)

By comparison of both legal provisions we can draw the following consequence:

In spite of the fact that several measures are being applied the criminal law considers the prohibition from driving as a punishment, while the misdemeanor right considers it as a measure. The fundamental question is raised whether - regardless from the regulation in force - the prohibition from driving is a legal consequence of punishment-character of measure-character. It is of punishment-character that is to say its purpose is to bring the perpetrator into a disadvantageous position and his disadvantage of imprisonment or fine be graver or it is of measure-character and its purpose is the protection of the other players of road traffic against people of deviant conduct, who jeopardize directly their corporal integrity.

I would like to start by saying that in its resolution referred to above the Constitutional Court qualifies as a measure the withdrawal of the driver's license - true not in regard to the

punishment applied by the Court but in regard to the withdrawal of the driver's license by the police on the spot: "

*"The legislator wants to promote the respect of the provisions of the Highway Code also by the prospect of different sanctions of administration, misdemeanor or of punishment.*

*The withdrawal of the license is **no punishment brought forward**: this **measure** is founded by the well-founded suspicion of the committal of a criminal offense and for the same reason it serves **the interest of the safety of road traffic**."*

The new Act on misdemeanor proceedings launched in 2012 reinforces - by the definition of the obligatory cases of prohibition - the character of punishment in spite of the customized measure, which adopts itself to the punishment policy of determining conservative character.

The criminal law knows also the notion of unfitness for driving and it determines the criterion of inaptitude saying that such person can be prohibited for good and all from driving.

An essential point remains, however, that the person unfit for driving should be prohibited from driving - with uncertain result - or we should rather take measures for rendering him fit for driving? According to the court practice of prohibition from driving they generally prohibit the driver, who deliberately jeopardizes others by his aggressive conduct, who occasions accident by deliberate and abusive infringement, moreover the prohibition is justified by the **lack of driving experiences and routine and such an absence of driving capacity** that restrains him in a significant way from safe driving. It follows that the prohibition from driving is a simple punishment and there is nothing about the "treatment" of the driver, on the contrary an eventual prohibition would only hinder the inexperienced driver from obtaining sufficient routine.

Is the prohibition from driving an efficient tool for the prevention of accidents? In my opinion in itself it is not. In our so-called modern world the participation in road traffic has become so much part of everyday life that the prohibition would make the life of people and families contrary to reason. Similarly to confinement it limits their freedom of movement consequently I have to point out that prohibition from driving should only be applied in cases, where the driver in question represents effectively a danger for the other players of traffic and for instance the lack of experience should not give reason to prohibition. If someone represents a danger for traffic safety - he is unfit for driving - the state has not only the task to remove this person from road traffic, but also the task to render him apt for driving. The courts very seldom apply definite prohibition from driving that is to say they consider that the person having occasioned an accident is not unfit to take part in the traffic. The purpose of punishment is mainly the prevention: this should be a basic principle when adopting the

judgment. If the road circulation is of vital interest to someone, the prohibition imposed by the court is in vain, he will keep on driving. Consequently the prohibition does not prevent accidents; on the contrary it encourages to further offences.

In my opinion the prohibition from driving is only justified in a much more limited scope than today: accidents caused by deliberate, grave infringement, drunken or dazed driving but I am definitely against withdrawal of the license in case of "simple" speeding or of occasioning accident with merely financial damage. In case of the above-mentioned limited scope on the other hand it has to be applied consistently, as an absolute definite sanction in form of an obligatory measure.

In view of the above the legal exercise of prohibition - in consideration of its purpose - is rather a sanction of the character of a measure, therefore this intuition should be adopted in criminal law, too: in place of the punishment of prohibition from driving such a measure should be legalized which suspends the driving license for a while and this punishment is accompanied by the sentence of compulsory participation in a supplementary training in another word measures are taken in order to render this person definitely fit for driving. This criminal measure would be the fitting for driving. The idea of fitting for driving has some significance beyond the apparently simple solution of creating a measure in place of criminal sentence, a measure providing - apart from the prohibition - a hygienic or psychological correction. The fitting in itself is of general character, independent from criminal law and its substance is hidden in its automatism. All the drivers having some sort of relationship with traffic deviance have to get into the system of fitting for driving. If you get drivers pass a certain screen of aptitude it will become obvious if the reason of the infringement occasioning the accident is to be found in the personality of the perpetrator and, as a further step, you can establish whether a treatment-type measure or a punitive sentence should apply.

„In a state of grace ...  
truth be served by us.”<sup>(1)</sup>

**Ákos Péter Nagy:**

**The Activities of Protective Service of Law Enforcement Agencies (subsequent: PSLEA)  
between 2000 and 2010 in virtue of the Legal Background and the Philosophy of  
Function**

**Protective Service of Law Enforcement Agencies**

The struggle for independence in Middle and Eastern Europe lasted for decades and became consummate through the revolutions of 1989 and 1990 leading to the transformation of society and the rise of democratic states founded on the rule of law in the whole area.

As a result, not only the armed forces and bodies, but also the organs of the defence of order were thoroughly reorganized.

Before 1971 the group II/1. of the Ministry of the Interior, and then, after the reorganization in 1971, the department of the internal defence of this same ministry, and finally, after the separation of the spheres of authority of the Ministry of the Interior, the state security and the police, the major department of security within the National Police Headquarters used to carry out some of the today's duties of PSLEA in our native country.<sup>(2, 3)</sup>

Regarding the fact how society was conceptualized in Kádár's Hungary, the Helsinki Final Act (1975), which envisaged both the making good of human rights and the furtherance of democracy, could no longer be neglected if one meant to bring about wholly new arrangements in it.

During the political transformation of 1989-90 in Hungary a great number of measures were taken, governmental regulations were passed, and fundamental as well as interim laws were enacted in the long process of the disjunction of the branches of power and the creation of the constitutional control which had an effect on the different professional fields. In the course of

all these events the operation of the Ministry of the Interior was also made to rest on a foundation of the rule of law, and this entailed the detachment of its scope of authority from those of the state security and the police, with the governmental regulation No. 147 of November 17<sup>(4)</sup>, 1994 and the law No. XXXIV. of 1994 being outstanding factors that helped to achieve it.<sup>(5,6)</sup>

Being public and easily accessible to all taking interest, also, declared in *Hungarian Gazette*, the official journal of the Republic of Hungary, the governmental regulation No. 49 of May 4., 1995, which set up PSLEA, brought along an essential change, because in a very intelligible manner it made rules for both the basic activities and the province of authority of the institution in terms of its personnel and in terms of what it was authorized to do, while containing a list of the methods that one was permitted to use.<sup>(7)</sup>

The drafting, passing and the enforcement of the various laws postulated experiences gained in stable democracies, a different generation and thus, a different way of looking at things as well as an exacting kind of creative power and the absolute independence from current politics.<sup>(8)</sup>

From its formation until the end of 2010 when it was virtually transformed into a wholly different organization, PSLEA was successively headed by five major personalities of service whose views and personae branded the philosophy of the operation of it.<sup>(9)</sup> And, as far as I can judge it, thanks to the performances of its two pre-eminent leaders, Dr. László Bene on the one hand, and Dr. Ferenc Frankberger on the other, could PSLEA meet with real recognition and international success.

Facts in history show that the institution was not equably operated at all times. First, the given leaders in office were constantly forced to contend against the various conceptions of the many departmental ministers and under-secretaries of the different governments elected in order to make the organization independent and lay down the route on the basis of which it was to be set up and to operate, also in the long run. Secondly, in this period PSLEA succeeded in forming far-reaching and fruitful connections with special committees of the European Union having jurisdiction and with fellow-organs of some important countries, too, all holding the Agency in high esteem, as it is proven by two facts: on the one hand, the Agency has been given the mentor's duties from the middle of the decade to establish similar agencies in Middle and Eastern Europe as well as in the Western Balcan states, and, on the



other, general Ferenc Frankberger was asked to direct EPAC,<sup>(10)</sup> which resulted in Hungary hosting many international conferences.<sup>(11)</sup>

Yet the appreciation on the part of several nations could not dispel the mystery that surrounded the Agency here in Hungary, as at the beginning of the second millennium the Hungarians, even if they perhaps knew of its existence, were neither conscious of what the Agency was authorized to do, nor were they able to distinguish it from the secret service. And, while reading the documents, one could also see that top figures in the government were unaware of the exact operation of the body.

Just to give an example I wish to remind the reader of an incident at this place: at a time the national budget was drawn up, austerity measures were set store by in such a degree that a proposal submitted by the Ministry of Finance nearly led to the abolishment of PSLEA, because as a result of the unconsciousness of a great number of important things in connection with it, PSLEA was meant to merge into the Office of National Security. And, this very proposal becomes highly interesting if the main force behind the event is revealed: those namely who were responsible thought of a merger only, because the Office of National Security suggested it, although fundamental differences could be discerned if one examined the tasks, the authorization by law, the working practices and the personnel of the two agencies. The tasks previously done by the Office of National Security became completely outdated. The duties listed by the law No. CXXV. of 1995<sup>(12)</sup> reduced the number of possibilities allowing the Office of National Security to operate, hence in order to make the organ despite this survive, this law simultaneously gave new tasks to it, like some completed by the police, i. e. tasks that were completely incompatible with the body.

### **The question of the regulation by law**

The service, established in 1995, was still - even at the beginning of 2000 - operated upon regulations of some paragraphs of the *Rtv* (Police Law/Constable Act), the 49/1995 Government Regulation as well as ministerial instructions, although when completing jobs, it has turned out in several cases that there is detailed legal delegation needed in order to be effective.

The importance of solving this problem can be represented by the examples below: The newspaper article which was published about the operation of the service was followed by a judicial process. At the trial the judge declared that no crime had been committed, nevertheless the writer of the article committed the breach of state secrets, however by the time he did so, the case had not formally been a state secret any more. As the explanation said, the material was labelled a state secret by the head of an organisation that had not even exist by law. There was a service called Protective Service of Law Enforcement Agencies, but according to the legal norm there should only have been a Prevention Agency. <sup>(13)</sup> The problem was that such Agency did not exist. The Protective Service of Law Enforcement Agencies did exist but there was no law saying that the two agencies were the same. <sup>(14)</sup>

In order to be able to develop the operation of the organisation its legal basis had to be consolidated. Some negative changes in social matters, such as higher proportion of corruption in daily life of the Defence Police Forces, the increasing level of racketeering and the increasingly widespread white-collar crime also showed that the consolidation was badly needed.

According to the general opinion, public life had gone more and more dishonest and this was not only a problem of defence police forces but that of also every single level of administration and politics.

The submission of the first version of law Nr. LXXXV of 1999<sup>(15)</sup> wished to change the incoherent regulation of the *Rtv* (Police Law/Constable Act). Based on Nr. 1/1999 (II. 24) AB decision of the Constitutional Court<sup>(16)</sup> special competences regarding the Protective Service of Law Enforcement Agencies were overruled. However discrepancy of the responsibilities and competences of PSLEA as well as their law regulation was not solved, but got even larger.

Meanwhile competences of the organisation were broadened further on by law Nr. LIV of 2002. <sup>(17)</sup> According to this law PSLEA was also made responsible for carrying out crime prevention, detection and defence services for state and professional fire departments of local governments, for investigation authorities of the Commissioners of Inland Revenue (*APEH*) which are whiles operating under the Police, such as for organisations of ministries completing the supervision of defence police forces. Although the scope of responsibilities and competences of PSLEA considerably widened, due to the contents of its operation and the type of its direction it got more and more diverged from the police.

Still the appropriate law regulation to enable its proper function was not made and this is something the Constitutional Court also prudently pointed out in its adjudication. <sup>(18)</sup> On the other hand the same adjudication particularly refers to the interdiction of evasion of the two-third law in case of legal regulation of PSLEA. <sup>(19)</sup> The cause of investigations of the Constitutional Court was the exceptional legalism given by the Constitution.

This point of view is supported by the adjudication Nr. 31/2001. (VII. 11) AB<sup>(20)</sup> which states as fundamental that the structural regulation of *Rtv* (Police Law/Constable Act) operates only the police and points out that the rules of paragraph Nr. VII of the adjudication are part of the operation of the police.

The commissioner of data safety had already declared, that ‘the data administration which is needed to complete the operation of PSLEA was regulated by the law and standards of legal force highly contradictory, leaving matters of data safety and constitutional requirements in several points out of consideration.’ <sup>(21)</sup> All things considered and summarizing the facts above, the diversity and importance of the tasks of PSLEA, its enlarged scope of duties and authority – regarding the constitutional objections of the legal basis of its function – makes it necessary to incorporate the legal status, the scope of duties and authority as well as the basic rules of the operation of the organisation into a two-third law.

Justification of the regulation by law:

- When establishing the *Rtv* (Police Law/Constable Act), the predecessor-organisation of PSLEA, the Security Department of the National Police Headquarters (ORFK) was still part of the police, so the recent regulation is highly out of date.
- Based on the Constitution<sup>(22)</sup>, as well as on the law of the adoption of statute<sup>(23)</sup>, the rules of natural rights and responsibilities can exclusively be defined in a law. <sup>(24, 25)</sup>
- The intelligence character of the function of PSLEA furthermore the high priority of the essential collection of classified information justify the necessity of the regulation by a two-third parliamentary decision.
- The operation of the Service covers several organisations of defence police forces under a few ministries/departments meanwhile the assignments of the Service also affect the constitutional rights of the persons within the staff of these organisations
- The rules of collection of classified information – including the order of economy – must be specifically defined regarding the Service.

- The data administration of the Service is based on the authorization decree written in §75 of the *Rtv* (Police Law/Constable Act), which can possibly cause constitutional concerns when differently interpreted.
- The regulation by law would quasi empower the Service an investigation authority, as in some cases either prosecutorial instruction is needed in order to enable carrying investigatory actions into effect without loss of time and starting criminal procedures effectively, or prosecutorial instruction after criminal procedure is required to complete the collection of classified information whereas the collection of classified data requires leave of court.
- The scope of organisations and people within the crime preventive and investigational jurisdiction of the Service is due to be extended. <sup>(26)</sup>
- In order to develop international relations and co-operation with foreign and international partner institutions/organisations having partly or fully the same responsibilities and being the same level.

Dr. László Bene police major-general asked the Human Resources Department of the Home Office – regarding the considerable changes in the staff file – to reverse regulation Nr. 2/2000 (BK.3) of the Home Office instead of modifying it again and again and to draw up a new regulation based on the submitted proposal. <sup>(27)</sup>

In 2003 it was not only about drawing up a completely new regulation instead of the recent one, but also about modifying the Government Regulation Nr. 49/1995 or – as some concerns about the government regulation occurred in connection with data security – passing a brand new law determining the legal status and the function of PSLEA. <sup>(28)</sup>

At a meeting in February 2003 where the operation of the Service in the year 2002 was evaluated, the Home Secretary<sup>(29)</sup> assigned a duty to the management of the Service to maintain the legitimacy of the Service because of the above mentioned reasons.

While the bill was drafted – in 2003 based on the submitted proposal - the Disputed Claims Department of the Home Office drafted the new Government Regulation about the Service. The management of the PSLEA could not agree with the version of the Disputed Claims Department, as this did not take regulation requirements of the Service – the majority of which fell exclusively under the head of regulation by law –into account. <sup>(30)</sup>

In February 2004, at the meeting where the fulfilment of the tasks of the previous year was evaluated, the Home Secretary also ordered to draw a bill of the Service. The task was listed in the operational schedule for 2004 of the Service, and besides there were some other alternatives of several sub-level regulations to establish. <sup>(31, 32)</sup>

The legislative bill was finally introduced at the Disputed Claims Department of the Home Office in October 2004. As regarding the Government Regulation, they only succeeded in completing the preparation tasks, because they had to do not only an awful lot of arrangements to other statutes, but also to fulfil their daily requirements. The draft was sent to the organisations involved in the regulation, such as the Public Law and Codification Department of the Attorney General, the Supervision and Inspectorial Department of the Home Office, to the Department of Investigational Supervision and Preparation of Prosecution of the Supreme Public Prosecutions, to the Human Resources Department of the Home Office, to the Ministry of Finance, to the Commissioner of Data Safety as well as to the Defence Office of Classified Information of the Home office in order to have their opinion. The majority of the above mentioned organisations considered the regulation by law to be necessary.

In 2005 the draft was subject of a interior administrative negotiation. <sup>(33)</sup> In March 2005 the Home Secretary submitted his presentation of the new Government Regulation of PSLEA to the Government.

Regarding the fact, that the FIDESZ (*Hungarian Civic Union*) – at that point of time in opposition – did not support any kind of bills submitted by the Socialists, the matter of the draft was finally dropped. <sup>(34)</sup>

It turned out to be clear that there was no chance to have a two-third law passed, so the Home Secretary asked the Service to work out another Government Regulation so that any gaps in the law could be removed.

In November 2005 the Department of Administration and Data Security of the Home Office reported to the Manager of the Legal Department Group that the data management within the main activities of PSLEA determined in 75. §. of the *Rtv* (Police Law/Constable Act). The PSLEA can complete it's internal crime prevention and investigation tasks by proceeding covert information gathering regulated in the 7<sup>th</sup> chapter of the *Rtv* (Police Law / Constable Act).

Operating its scope of authority the regulation stated in paragraph VII is authoritative. As concerning the PSLEA this is the one and only authorization to build a legal basis how to manage personal and special data of the protected staff. According to paragraph (1) of law Nr. LXIII. tv<sup>(35)</sup>3.§. 1992 of legal force of that time, for lack of permission of the affected person management of personal data required legal authorization. Taken paragraph (3) of §3 into account, in case of obligatory personal data management the appropriate law should define purpose and conditions of data management, the scope of data to be managed, the level of insight, the duration of data management as well as the person carrying out data management. Such a law does in connection with PSLEA not exist and the modification of the Government Regulation would not solve the problem, either. In addition, in several items of the law of data management (e.g. § 202) there are detailed lists, where PSLEA itself is missing, so they are not entitled to carry out data management.<sup>(36)</sup>

After the 2006 elections Home Office and the Attorney General's Department were consolidated, the management of the Service got from the former Home Office to the Attorney General's Department and Ministry of Defence.

During the period from 2007 to 2009 it has turned out to be obvious, that the bill can only be passed after the next elections and change of the government.

The police law was time to time modified, but the legal status of PSLEA remained unchanged. In the Government Regulation Nr. 49/1995. (V. 4) there were altogether 8 minimal modifications during the period under review (2000-2010), but these alterations were rather formal and did not refer to substantial changes.

Operational frames of PSLEA are given by the articles of organisation of the Home Office or those of one of their successors, all the relevant changes in these articles are defined in ministerial instructions. According to these the PSLEA was a subordinate body of the minister and was directly supervised by him, keeping contacts was carried out via Human Resources Department and the Under-Secretary of Administration.

The inside operation of the Service was defined in its – constantly renewed – organisational and operational articles which had to be approved of by the supervising ministry and a copy of which had to be sent to the Under-Secretary of Administration. The organisational and operational articles included the entire scope of operation of the PSLEA, its legal status, the

appointment of the head of the Service, organisational structure, (staff file) ... etc. were defined by the given legal authorizations.

Unfortunately professional intention to strengthen the rule of law and political intention did not meet, although the appropriate regulation by law could have given the legitimacy to the organisation to make it well-organized, structured and – having well-founded functional frames –last but not least self-confident.

### **The new operational philosophy of PSLEA**

When being established, it was among the first questions how open the organisation of PSLEA should be. If it had been too closed or had operated too secretly, it would only have got similar to its predecessor-organisations in concern of its relationship to the public. A kind of totally opened way of operation, on the other hand, would have endangered its success and efficiency. <sup>(37)</sup>In addition, because of the special operation of the Service, as it was dealing with crime prevention, crime investigation and criminal prosecution of the Defence Police Forces, it could not be unlimited open to the mass media.

Essential requirement of the successful operation is the appropriate relationship to and communication with protected organisations, as well as the involvement of these organisations into the fight against corruption. <sup>(38)</sup>

By the beginning of 2000 because of secret operations, the old-school preconceptions and false information the Service became more and more estranged from the staff to be protected, it got practically undesirable, while crime in society became more and more widespread and this – of course – did not leave defence police forces untouched.

A negative attitude like this can mean the end for an investigation organisation, as it cannot fulfil its basic task without the necessary communication and information. A combination of open and operative information is needed in order to have a picture of an event – without any kind of communication, based only on the operative data it is unthinkable to reach the same goal.

‘The real danger of the corruption in defence police forces is not the number of the cases, but the damaging effect on the image and social status of the staff and the body of the organisation, and the fact that these acts are gradually weakening the trust of the public in the

operation of defence police forces and people are more and more losing faith in the honour of these forces.’<sup>(39)</sup>

Main characteristics of criminal prosecution is that it directly meets the world of crime and offences, and this on a wide range. It is important to mention, that because of rising crime levels, since 1990 defence police forces have had to confront a definitely larger number of crimes that have been more dangerous than ever before – it goes without saying that all this has considerably increased the hazard of criminality and corruption.

Intelligence service methods that are based on delusion and mockery are too confidential to have effective outside feedback. Although legal regulation and outside supervision – such as the prosecutor or the investigation judge – can reduce the chance of abuse, but cannot entirely have the control over the power, means, methods and motives of the collection of classified information.

This is a field that gives the opportunity to serious abuses, time to time cases of organisations that were corrupted by politics get revealed.

The management of the PSLEA was aware of the severity of the problem, that is why in 2005 a new philosophy was established by dr. László Bene, head of Service. Basis to the new idea was still investigation, but its main keystones were prevention and defence.

PSLEA new goals: drawing up a new professional moral philosophy and having it accepted. It is an exceptionally remarkable challenge, as we all know that the crisis and uncertainty of values weakens the basis of the whole society and its relationship to crime. In case of the defence police forces it is not only the uncertainty of values that makes moral fundamental crackle, but also the lack of their social, moral and financial appreciation.

Under these circumstances the PSLEA needs to find the balance and operate successfully and effectively and be able to get itself accepted and appreciated by the staff of defence police forces at the same time, without destroying the image of defence police forces in public opinion. A change of paradigm is obvious regarding PSLEA. As a proof it has initiated and worked out the frames of its legal necessity and has also completed drawing up the law. The Service has contributed to a change of the attitude to its specialists and has set a good example in the international field. At the same time there are still some statistics to complete and some questions to answer in order to find out how effective was the operation of the defence police forces related to how efficient it’s activity was, considering the Police corporation’s work.



It is well known that the establishment of democratic law and the system of its institutions as well as the defence police legislation is a task to do for a long term. How European democratic norms can fit into Hungarian jurisdiction during this legislation period, is still a question. Where did heads of PSLEA and their colleagues who prepared all the tasks of drawing up the bill have their ideas? In what way did they trust their personal relationships or official connections? Has there been a good example set somewhere abroad that could be adopted?

As far as I am concerned, these factors have all played very little part. It seems to be a main principle – of course – that in the legislation of a democratic state jurisdiction and legal regulations have to be transparent and harmonize with other laws at the same time. All the facts show that the EU considers the efforts of the specialists of PSLEA to be efficient and regarding this question. The result, that the EU appointed the Service the mentor of the neighbouring states is one of the biggest achievements of the diversified international co-operation. <sup>(40)</sup>

## **Summary**

At the daybreak of the change of the political system there was an idea of establishing democracy and working out the frames of constitutionality to that end.

Fundamentally revising the conception of law enforcement organisation belongs to this image of society so that defence police forces were radically revolutionized and cardinal laws were passed.

It was a long and troublesome process the implementation of which did not only require general social agreement but also the agreement of the parties in parliament. The opening that followed the change of the political system forced the stability of moral values but made real values turn to relative and was followed by some values lost. Meanwhile it has become obvious, that in order to improve the system of brakes and counterbalances besides cardinal laws some new fundamental laws should be passed, but in the world of polarization, which was typical of Hungary in the first decade of the 21 century, all this was almost impossible to complete.

In the field of defence police they did not succeed in regulating the legal status of the Protective Service of Law Enforcement Agencies in this period, either. The uncertainty was reflected in the daily work of the Agency and in my personal opinion it did not serve the efficiency and success of the staff which was a huge contrast compared to their professional

skills. At the same time, the period in question shows, that by the second part of the decade the Agency managed to be internationally acknowledged and appreciated without all these. In order for our public life to be cleaner and more honest it is useful to listen to some advice of other philosophers: ‘Clear and detailed formulation of essential goals, values and principles, their implementation in the living and operating system, and in the long run, signing the so called social contract is more urgent and more important than any other seemingly more urgent and more important task to do in these societies. Not written on paper, nor on clay- or stone tablets, but in the conscience of people.’<sup>(41)</sup>

List of abbreviations:

RSZVSZ (Rendvédelmi Szervek Védelmi Szolgálat)	PSLEA, Protective Service of Law Enforcement Agencies
ORFK (Országos Rendőr-főkapitányság)	National Police Headquarters
EPAC (Európai Korrupcióellenes Kapcsolattartói Hálózat)	European Partners Against Corruption
Rtv (Rendőrségi törvény)	Police Law/Constable Act
AB (Alkotmánybíróság)	Constitutional Court
APEH (Adó – és Pénzügyi Ellenőrzési Hivatal)	Commissioners of Inland Revenue
BM (Belügyminisztérium)	Human Resources Department of the Home Office
FIDESZ (Fiatal Demokraták Szövetsége)	Hungarian Civic Union
EU (Európai Unió)	European Union

Notes:

1. Romans, the Bible – With notes to explain it, Budapest 2007
2. It was within the competence of the Police

3. Earlier the following adjectives such as 'safety' and 'internal security' were among the names. It is no accident after all internal averting of the defence units was called in this way all over the world. Leaving out of the adjective was necessary because during the changing of the political system the press was naming the Management of BM III/3 Internal Averting or 'Department of Internal Security' and it was better to get rid of this unfavourable association.
4. Government Regulation 147/1994 (XI 17) about Minister of the Interior's exercise power and competence
5. Act of the Police XXXIV in 1994
6. Establishment and forming the activity of the Protective Service of Law Enforcement Agencies during the changing of the political system by Ákos Péter Nagy, p 2
7. An interview with P. Col. Csaba Szabó about PSLEA, manuscript January, 2012
8. Establishment and forming the activity of PSLEA during the changing of the political system by Ákos Péter Nagy, p 14
9. Gyula Dezső 1995-1998, Brigade General Péter Szabó 1998-2001, Police Col. Pál Egressy 2001-2002, Police Lt-Gen. László Bene 2002-2004, Brigade General Ferenc Frankenberger 2005-2010
10. EUROPEAN PARTNERS AGAINST CORRUPTION, National Police Oversight Bodies and Anti-Corruption Authorities of EU Member States and Council of Europe Member Countries, [www.epac.at](http://www.epac.at)
11. Among the general goals of EPAC there are the changing of the experience and the best practises gained during the activity of the anticorruption organizations of the EU members and deepening on the cooperation of the above mentioned organizations. Lately RSZVSZ paid emphasized attention for adapting the anticorruption experience

and directives drafted into the earlier conferences. ('Contact and Communication' 6th conference of the organizations for controlling and checking the police and the anticorruption organs in the EU, opening speech of Brigade General Ferenc Frankenberger, p 10, IRM RSZVSZ 22-24 November, 2006, Budapest, Hungary)

12. Act of National Security Services CXXV in 1995

13. Police Act paragraph (1) 94 §

14. An interview with P. Col. Csaba Szabó about RSZVSZ, manuscript January, 2012

15. Act for regulation of organized crime and the phenomena in connection with it and modifying laws related with it LXXXV in 1999

16. AB Decision 1/1999 (II 24) Act of Mafia

17. Act LIV in 2002 about the international cooperation of the organization against crime

18. AB Decision 1/1999 (II 24) Act of Mafia

19. The Government Regulation 49/1995 (V 4) 'copies' the secret rules for getting information and administration, which stated in the Police Act, to the structure that cannot be a police organ but it is inconsistent with the draft in the paragraph 40/A § (2) of the Constitution

20. According to the motion being aimed at the post-controlling whether the AB Decision 31/2001 (VII 11) is unconstitutional

[http://www.jogtar.mtaki.hu/jogszabalyok/Roma\\_Jogtar\\_Pdf/Romakat\\_erinto\\_AB\\_hatarozatok/31.2001. VII.11. AB\\_hatarozat.pdf](http://www.jogtar.mtaki.hu/jogszabalyok/Roma_Jogtar_Pdf/Romakat_erinto_AB_hatarozatok/31.2001. VII.11. AB_hatarozat.pdf)

21. Standpoint of the ombudsman about the legal establishment of the function of RSZVSZ 2000  
<http://adatvedelmibiztos.hu/abi/index.php?menu=beszamolok/2000/III/1/1/1>
22. Act XX in 1949, the Constitution
23. Act XI 2 § c/, the referenced part of the Act of making law
24. Act XX in 1949, the Constitution
25. Act XI in 1989 of making law
26. Office of Immigration and Nationality, Central Data Processing, Registering and Election Office, Registration Offices and the people who do not belong to the staff of the protected organ but they commit a crime with the members of these organs together or with the help of them
27. The later leaders of the Service was continuously pressing for this request, eg. Police Col. Béla Balla, Brigade General Ferenc Frankenberger from 2005
28. Official Communication Nr 25-265/1/2005 from Europol Office for Data Protecting to the Legal Main Group Management of Internal Ministry
29. Internal Minister Mónika Lamperth (2002-2006)
30. Provisions to restrict the data administration and the basic rights
31. Government Decree, Order of Internal Ministry

32. The Act would have been a significant step for PSLEA because it would have had cardinal changes such as PSLEA had 'quasi' jurisdiction of the authorities investigating in a criminal case
33. The Main Group management of the Human Resources, the Office of Public Administration and Public Service, the Economic Major Department of Internal Ministry, Office of Immigration and Nationality, Coordinating Major Department of NATO and the EU, National Authority of Catastrophe Protection, Central Data Processing Registering and Election Office, Central Police Station, the Cabinet Ministers and Supervisory and Safety Major Department of the Internal Ministry took part in the discussion.
34. On the other hand today it is obvious that FIDESZ, which was an opposition party then, did not have fundamental objection to the draft of a new law and it was turned out when FIDESZ became the governing party. On the basis of these there was agreement in the stabilizing of the democratic law and order in Hungary for nothing. The stabilizing of the democratic law and order was visibly and noticeably held back by the game of the political parties.
35. Act LXIII in 1992 about the protection of the personal data and the publicity of the public data
36. Official Communication 40-16-147/395-3/2005, Managing and Data Protecting Major Department of Internal Ministry
37. '... If it is very open, it will be at the expense of operation, the everyday work will suffer if everybody can see what you do. If an organization is closed, the press will not be able to treat with it, get to it, just a little news will leak out then it will be a mystified organization. If it is very open, while it can get a point of attack.' An interview with P. Col. Csaba Szabó about PSLEA, manuscript January, 2012

38. 'Contact and Communication' 6th conference of the organizations for controlling and checking the police and the anticorruption organs in the EU, opening speech of Brigade General Ferenc Frankenger, p 10, IRM RSZVSZ 22-24 November, 2006, Budapest, Hungary
39. Methodological directives for researching police corruption by Géza Finszter, 2000/11 'Belügyi Szemle'
40. 'For example the Romanians were not allowed to access the EU until their internal organ doing this kind of activity belonged to the Secret Agency. Ferenc Frankenger had to go to Bucharest some times to explain them how to do this regulation. And they were doing! According to our proposals. Then the organization was the model of the other services because of the method. There were some precedents for it that foreign colleagues had been here to learn even for weeks.' An interview with P. Col. Csaba Szabó about RSZVSZ, manuscript January, 2012
41. Social traps by Elemér Hankiss, p 137

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**Robert Crepinko - André Desenfants - Wolfgang Ebner - Zoltan Kovacs - Zoltan Nagy:**  
**How can training improve police leadership**  
**and common professional standards in the future ?<sup>3</sup>**

**Preamble**

Training for law enforcement agencies in Europe is still a complex and very actual issue. On European level a lot of initiatives were already and are still taken in this matter. One of the last and most important ones comes from the European Commission: in response to the mandate of the Stockholm Programme and inspired by the Internal Security Strategy, the Commission is developing a vision of the future of EU police training policy. The purpose is to develop a European Training Scheme (ETS) for EU law enforcement officials.

This is why our group had to reflect on the assignment received to set a precise scope of our work. We wanted to avoid redundancy with the Commission's initiative, but thought that our reflections have to fit in the Commission's framework.

So we came to the conclusion that it would be worth concentrating on future training and on common professional standards for police leaders; they will namely play a key role providing police work a real European dimension by giving the good example and by encouraging good initiatives in cross-border matters.

But even if the police leaders are the focus group of our work, some recommendations we make will also be relevant to other groups.

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<sup>3</sup> The study is made under TOPSPOC 2011 CEPOL courses

## **1. COMMON FUTURE**

### **1.1. Why is it important to prepare the future?**

The 21<sup>st</sup> century ties on, where the last century ended. We live in a fast and dynamic world. The mobility of the citizens increases while the world is shrinking. Technologies are changing very quickly and they are influencing our lives in every field. Every day we are introduced to new gadgets, software and mobile phones. For example, learning how to handle new computer systems has become part of our daily routine.

These dynamic developments have changed our way of thinking, our behaviour, our world of work, consequently our whole society. For most Europeans it is hard to imagine living without cash machines, online bookings or internet trade. The web has become our “second world”. We live in the real, the physical one, but the virtual one has turned into the major and most prevailing administrative, economic and cultural framework. It is obvious that such a tool needs a legal basis, which has not been completely established yet. Rules and procedures for the use of the internet were implemented long after its inception. At the same time the competences for authorities and consequently for police as well came only very slowly. Criminals already have used all possible ways in cyberspace, when investigations were very complex and often ended at a national border. Within this changed environment also police leadership has changed.

Considering all the other new challenges police force and within that system police leadership have to cope with, the fast and dynamic world wide web embodies the most dominant changes and therefore probably requires the main focus of police work.

### **1.2. What are the consequences on leadership?**

The field of duties of police-leadership has changed a lot and citizens in the EU deserve the best police service wherever they are. Nowadays police are confronted with challenging new crimes, new and additional tasks and has become far more complex within the last years. Today criminals are more aggressive and often younger. Sometimes there is not even a rational motivation behind some criminal energy. In many countries the structure of police organizations changed too. New tasks, the need for saving money and limitations of resources forced police management to rethink procedures and organizations.

Cybercrime, cyber-terrorism, as cross-border crime challenge police systems. Organised crime tries to hide its traces in different states. This fact makes it quite tricky to see organised crime structures. Police have to enforce cooperation and cross-border investigations. To reach that goal, leadership represents the essential feature.

The web challenges police leadership in a completely new and different way. We just have to imagine how *modi operandi* change in the virtual world. At the beginning of the common use of the internet, there were not even enough clear offences in penalty codes for most of these crimes, which made it impossible for police and prosecutors to track down criminals first hand. The virtual area is not only less physical, it is furthermore not dedicated to one country, one geographical area. Today, criminals change their behaviour very quickly. They hide in space, which is not completely regulated. Criminals, e.g. paedophiles are using servers located in distant countries, where there is the least risk for their criminal prosecution. The national law systems, as well as international investigations have to catch up with these developments and combat these new forms of criminality. A need for a deep analysis on how to prevent and fight cybercrime is one main function of police leadership.

### **1.3. What about the future challenges?**

As already mentioned above, the environment and circumstances of police work changed a lot. The world became dynamic – simply very fast. Information and the exchange of information go within seconds. News, messages can be sent and received in “real-time”. We are using all these technologies and its medium - the internet - day by day and, moreover we get used by it. The possibilities are larger and wider than ever before. However, criminals are using these new technologies for their purposes and they are usually ahead, they take advantage of this unregulated space. This fact represents the necessary need for police to join the same velocity. Otherwise police work will always lag behind the present.

One reason for the problem many police organizations face is the fear of a “police state”, of too much of control. Data protection is one of the most fundamental rights claimed by citizens. That is why laws usually do not come with the same speed like criminals already use them.

Besides these technological developments, mass criminality and cross-border crime represents new challenges for the police forces. When lifting borders and easing free

movement, mass criminality found new targets. This phenomenon does not only affect one country. It is a European problem and a clear issue for police cooperation. Organised crime works like a multinational business enterprise with branches in lots of countries.

Globalization – a term that once opened horizons and promised the end of all borders - brings us the whole world directly to our premises, to our lives. Unfortunately, these developments led not only to wealth. By the globalisation of our societies social conflicts can become more and more contagious. In some countries, the lack of a social equilibrium means a vast breeding ground for criminality. Poor people see rich ones and feel the imbalance. They suffer and consider their fate unfair.

The more people feel disadvantaged, the more will come together to make their own, quick and dirty “business”, one of the motivations for organised crime, as well as mass criminality. And concerning offences against property it is quite comprehensible that these groups go to places, where wealth, political and social stability is available. That is why organised crime is acting over borders in various countries.

As we detect that many countries in Europe face similar phenomena and problems, international cooperation is inevitable and at the same time this is one of the most difficult challenges of the future.

Different cultures and languages, different legal systems based on a specific historical events, or simply the geo-political position of a country can cause difficulties when working together. Difficulties are furthermore sometimes a lack of communication between member states, as well as a lack of inter-reliability.

Still today, we see differences and problems in respect of police cooperation and the whole law enforcement area. Evidences are not the same in each country. Procedures, for example, when arresting a suspect are regulated in different ways. This does not seem to be a problem at first glance, but when documents are shared among various countries, the problems and imbalances become visible. There is sometimes a clear lack of balanced evidences and investigations as a whole.

To find common ground, there were only bi- and multilateral meetings and a small exchange of know-how and experiences in the beginning. The intensity in this respect gradually grew. Today we have a European agenda on security. Programs, like the

Stockholm program give us the guidelines, where to go with our cooperation and integration. It is much easier to live cooperation today.

To come to more comparability and in the end equality, there are various initiatives on European levels. One of these is the PEP-project (Police Equal Performance), which is an initiative born in Austria and now supported by other European countries as well as by EUROPOL. The idea of PEP is to bring more balance to investigations and procedures in Europe. Hot spot for this initiative is clearly the Western Balkan region.

As stated above, we are living in a common future in Europe, with common challenges and common tasks for our society. On the way to our common future we have to face different obstacles.

#### **1.4. What are the consequences of the future?**

In order to cope with the challenges of the future, police systems and police structures the way we find them in most European countries need to be adapted. With the given resources, image in the public, legal constraints, and hierarchical structures the fight will be hard to win. We need to learn to think in different ways and open horizons – nationally and internationally. There is no getting around thinking and acting globally.

Hierarchical structures are often considered more important than teamwork. However, teamwork turns out to be the only efficient way of working together. Of course teamwork needs to be trained, it is not a given gift. The non-sharing of information or trying to arrest a dangerous person without the help of colleagues are just two examples of various executive levels, which can easily lead to failure. Every member of a team should have the same information. Therefore teamwork should be a part of leadership training to enforce teamwork.

Above all police-leadership should be based on motivation. Motivation is one of the key factors for success. Colleagues want to be respected for what they do and who they are. This begins when communicating among hierarchy levels. Showing respect and expressing oneself clearly helps to avoid misunderstandings. A police leader can influence the way of communication.

Next to motivation is the formulation of orders. They have to be clear and precise. We all know the problem of unclear orders. Quickly, frustration can be the result. Without any doubt, all orders of police leaders have to be based on laws.

But there is a solution, to overcome these difficulties. A better coordination of resources, as well as more trusting the other can already be a big step in direction of common space for security and freedom in Europe. All circumstances which create our environment lead also to the need of a professional police force. Leadership within police organizations is one of the most important key-factors for success and the most important goal for police – freedom.

### **1.5. What can be the role of training?**

Leadership has to be developed through training. Training itself is a very complex issue. Policemen are trained for years to be prepared for their challenges. Dangerous situations, quick decisions that have to be made and in the end keeping calm in stressful situations all lead to the need for a highly professional training.

As already announced before we face a common and interconnected future in Europe, confronted with similar and parallel problems. Therefore, it is obvious that training should be parallelized as well. Common training has many advantages. Some examples are:

- using common sense;
- understanding various expectations;
- broadening worldviews, enlarging the horizon;
- networking;
- establishing mutual trust

## **2. Police Leadership and common professional standards on an European level**

### **2.1. Police Leadership**

2.1.1. As stated before, we live in a fast changing world, requiring skills and competences in almost all areas of the society, state and public services. The pace of changes challenges our ability to properly and quickly adapt. There is a gap forming between the “traditional” way of policing and the society living already in “Web2.0”. Our children should already prepare for jobs and related knowledge challenges that are not yet existing. The police is no different from that. Still, can we say that the profound changes in society, technology and the environment were accompanied by similar ones in the core concept of policing? There is a gap, and this gap has been widening between police and the “external” world.

2.1.2. Are we, police leaders and managers brave and honest enough to face those changes and challenges? The general perception is that police leaders are focusing on dealing with the problems of the present, and seemingly not concerned about the future. How can we achieve that the primary concern of the police leaders is if and how they are prepared for the future?

2.1.3. There are inevitable links between the society and the police within. Its actions are influenced also by the quickly developing and complex technology, and it interacts with the environment. These systems have an impact on what we call the nature of the police or the nature of policing. The public look at the police and forms its opinion about police legitimacy based on how it responds to those changes. Trusting the police is also dependant on the capacity of the police organisation in “staying connected” with the society and the environment in general.

2.1.4. Police leaders have a key role in that process. But, what kind of police leadership is required, in order to be able to find the right answers? What are the differences?

2.1.5. First and foremost: as yesterday tools are not good enough to solve tomorrow’s problems, critical thinking is a prerequisite for recognising the need to adapt. Fix the roof when the sun shines - and show assertiveness. Start with your own police



staff, enable them to take their share in critical thinking and the promotion of innovation. Critical thinking helps police leaders understanding the real nature of their police organisation and the way how subordinates perceive their work and police values. What is your inner police story?

2.1.6. Police leadership is changing and expanding. Listening to both the public and our own staff is crucial, in order to stay on the game and not only see the world but also to understand how the world sees us. And even more, our police staff needs to be empowered, to guarantee that changes are implemented in-depth (and not only from top-down). In that way they become themselves leaders, in their everyday interaction with the organisation and the public both.

2.1.7. The European police structures are interlinked, but still diverse. However, there are several established channels existing to facilitate communication, sharing knowledge, following best practices and staying connected. Carefully though, but the Lisbon Treaty points towards the deepening of these relationships in the intra-European scene. Police leaders should understand their responsibility in understanding the challenges of that road and continuously look for ways to achieve them. Why? Because the European societies are already paving the way for further integration and interaction - supported (or even promoted) by technological developments and environmental changes. European police structures have no other choice but to understand the nature of those changes and look for ways to adapt and align themselves. They have a huge asset in reaching this goal: the key values of law enforcement that connect those organisations and establish a solid ground for mutual understanding of both, challenges and opportunities.

2.1.8. These values are key to facilitate partnerships, trust and cooperation, and form a solid ground for establishing common professional standards across the EU. Still, these values are not carved in stone, and the critical thinking over and over again is necessary to adapt and develop newer ones.

2.1.9. Europe offers a unique environment for police leaders as there are a number of ways to interact with and learn from each other. The European Union presents a cohesion force, stimulating discussions on how to better share information, techniques, tools, knowledge, expertise. European training is crucial in creating a

better understanding on the challenges that await the police leader of tomorrow. The channels of operational and strategic information sharing will have to be complemented with a more effective European police training that should attempt to establish a better vision on the nature of policing and the understanding of the challenges for policing in the new society. With that, European training should develop new police leaders, being able to deploy new techniques, methods and ways of problem solving. A new relationship with both the European citizens and your own police organisation is needed - training those who will be mandated to navigate through the challenges is crucial. The European training should assist in seeing clearly not only the problems that await for the police leader, but also understanding the systems and the drivers of those changes through different lenses.

## **2.2. Common professional standards**

### **2.2.1. What are common professional standards?**

At the first glance one could assume that a “definition” of common standards could be set very easy. That it would be somehow “standardised”. But it is not that easy. Already at the first pick in the internet a big world of different approaches and attempts for common standards in a big variety of areas of life can be found. Also a powerful tool such as Wikipedia does not provide neither a definition nor an explanation for common standards. This means that it will take a different approach to come to the answer of the question what are common standards.

Although the assignment is to find out the “rules” for common professional standards (CPS) for the law enforcement area, it can be said that CPS in general are a way where subjects with:

- a common approach
- under a common set of rules
- in the comparable environment
- using a similar set of tools
- are “struggling” for a common goal.

Of course the above mentioned is far away from the definition of CPS, but it helps us understand the area of the work done. The definition has to be translated to the law enforcement environment in the countries members of the EU and EU as a whole. The last one is the main focus of the Cefpol Topspoc IX 2011.

In the time of work overload and lack of resources in all areas of law enforcement it would be highly inappropriate to “reinvent the wheel”, searching for the definition of CPS. A group of highly experienced and motivated law enforcement officers, participating in the Cefpol Topspoc VIII-2010 spent a lot of time and energy searching for that definition. After various questions, discussions and research, they agreed for the definition of CPS:

“a manner to conduct police duties or tasks in a commonly approved and widely used manner in order to render interactions with each citizen across Europe predictable, building confidence and mutual trust.” VIR: POLDEON

### **2.2.2. What is the advantage (the need for) of common standards?**

In the time where all (or at least the majority) of the police forces are facing significant cuts in their budgets resolving in cuts in the figure of personnel and other resources it is extremely important to optimize the means and ways of work. Having in mind the rights of the societies to demand the same (or higher) level of security, regardless the cuts, it is undisputable that common approaches are necessary.

It is a practice that has been developed and fruitfully used in the other areas of society decades if not centuries ago. Technicians and business man discovered that they can save a lot of money and time if they are using the same standards for products. This does not only allow them to cut costs, but also allows them to combine their work and products with other products, what was one of the important pillars of technical development and the synergy of different knowledge and experience. The main idea behind that can (or has to be) copied also to the law enforcement environment. And that not only in national areas but also in the EU environment. The necessity for CPS was therefore included also in the multiannual programme adopted in the European Council. The Stockholm programme – an open and secure Europe serving and protecting citizens encourages the upgrade for the tools for the job stating that:

“Security in the EU requires an integrated approach where security professionals share a common culture, pool information as effectively as possible and have the right technological infrastructure to support them.”

“The European Council stresses the need to enhance mutual trust between all the professionals concerned at national and EU level. A genuine European law enforcement should be developed through exchange of experiences and good practice as well as the organisation of joint training courses and exercises...”

Reading these general lines it can be seen that the awareness for the necessity of the CPS was recognised also on the highest level and not only among the professionals in the law enforcement environment.

The advantages of CPS can be seen in many ways:

- The knowledge gathered through decades and centuries in different countries or parts of Europe can be transferred and used in other countries, having in mind the national, cultural, economical, religious... differences.
- Rising mobility of citizens of EU (and others), also means fast changing of modalities of crime and CPS also allows the mobility of police approaches and prevents the “reinventing of the wheel” by different police forces. The result is faster adjustment and better reactions to new crime phenomena.
- Common approaches also mean common respect to rights and freedoms and allow that justified police measures also get the approval of highest courts also on the EU or international level, regardless of the country where measures have been taken.
- CPS allows better mobility of police officers, who can conduct their tasks within joint investigation teams or other ways of cooperation in a easier and efficient way.
- Common standards in technical equipment would allow lower prices and better availability of the equipment needed for the work.

All of these reasons are helping also to raise the mutual trust among different law enforcement authorities, as one of the ground stones for good cooperation.

### **2.2.3. What do we expect from common standards?**

The answer to the question: “What do we expect from common standards?” would probably be answered differently by each of the law enforcement officers asked. It can only be assumed that the common answer would be to make our day to day work easier and efficient and give us the tools we need.

Already in the discussion within the PLUS group we came to different views and ideas. They could be expressed as:

- to satisfy different expectations toward the European police leader
- to act as bridges between national training systems
- to help developing a definition of “EU Police Leadership”
- to assist in developing an EU dimension for future PL

CPS should act as a vehicle for the police leader to achieve the provision of the best police service to the citizen in the EU.

### **2.2.4. Which common standards do we need (in what matters....) ?**

Also the question: “Which common standards do we need...?” is a hard nut to crack. In the fact it represents one of the core challenges for CPS in the first place. Each law enforcement authority has specific needs and weak points that could or should be improved with the use of CPS.

Looking at the Stockholm Programme we can see that politicians after a long period of drafting the programme could agree on the following integrated approach:

- common culture,
- effective information pool,
- appropriate technical infrastructure.

The programme foresees the development of genuine European law enforcement culture through exchange of experiences and good practices as well with the organisation of joint training courses and exercises. The programme (as expected)

does not give any guidance how to come near to the right technical infrastructure and effective information pool.

Due to the lack of an effective EU approach toward to standardisation there are different attempts (PEP, EACT...) to achieve that goal in limited areas in EU. These approaches do not give us the answer to the question which CPS we (all) need, because they are focused to solve concrete problems in concrete areas (criminal police, corruption...). The reason for the rise of such initiatives is a real need for some “standardisation” and obviously the absence of EU (in time and in the core of the problem) level solutions that would fit the needs of the “consumers”.

After a discussion the PLUS group agreed on the areas that would be suitable for CPS:

#### **2.2.5. What are the challenges of developing common standards?**

The law enforcement area is one of the sensitive areas, being protected by member states (and different law enforcement agencies) as one of the strong ground stones of sovereignty. Through the recent past EU member states were just slowly coming to legal solutions that allowed common approach in different areas. On the grounds of different historical reasons and the specifics of different member states this is a process that is developing very slowly.

Law enforcement area is considered as much closed (restricted) and very conservative. Therefore it had also some challenges adjusting to fast social changes in recent years. This has to be considered when thinking of the challenges of developing CPS.

The main challenges are both at the recipient of the CPS side and on the side of decision makers:

- The difficulties to identify areas that could be “standardised”
- The challenge to agree on the approach of “standardisation” (which best practices to take, how broad and deep the “standardisation” should go...)
- Very different social, economical, historical... background of different law enforcement authorities in different EU member states.
- Insufficient knowledge of the needs for CPS at the day to day work
- Traditional mistrust of some countries toward some countries or areas of EU (their law enforcement authorities), their expertise, knowledge, approaches.

- The feeling: “Only we know how things have to be done. Nobody can force us to change that!”
- The ignorance about professional achievements and possibilities already gained in the law enforcement community.

### **3. Training**

#### **3.1. How are police leaders trained?**

Today most of the European countries are committed to implement the Bologna Process in the higher education area, which defines the training of the future’s police officers and police leaders. In the spirit of the requirements arising from the Bologna Process, the establishment of a linear and multi-cyclic higher educational institution is aimed in the field of law enforcement.

In the first main cycle of the EU-compatible law enforcement higher education one can get a BA degree, as well as professional qualification. The second training cycle is based on the first one and results in the MA degree and a MA degree in law enforcement.

Even if the same Bologna Process is used in Europe, the implementation and the outcome is different country by country. This is not criticism, but a fact: at the end the police leaders’ training shows big differences.

It is accepted in all EU MS that police leaders shall follow dedicated courses on high level. When comparing the trainings provided for police leaders across the EU countries, in some cases this is conducted only within the national police education system, in other countries it is also partly done within the general state or even private training institutions.

#### **3.2. What is training?**

The training is a method which is different from the traditional teaching-learning activities. The difference is primarily due to the fact that it is built on the idea of participant learning. Learning occurs in small groups, where the members are in permanent and reciprocal relationship with one another. Adult education is typically not only learning from the trainer, but also learning from each other. The aim of the training is to develop existing or already learnt professional knowledge, skills and abilities throughout the social and psychological laws and feedback of the members of group. Its

effectiveness is largely determined by the trainer's personality and professional skills. They are not teaching, but working in the process as a catalyst. Their tasks are make an appropriate level of interest, trust, openness. Their features include:

- the creation and maintenance the group,
- make the group's rules, frameworks,
- the development and maintenance of group cohesion,
- development of competency,
- and indirectly support the learning process.

The reason of training is to make the best of potential self-awareness, development of personality and team building possibilities, which basically affects the motivation of the participants as well. Feedbacks are essential in the development of human relationships. The method involves several advantages. Classes do not directly transfer knowledge, skills and attitudes, but development in abilities and behaviour takes place. In small group solution, much more personalized attention and manifestation is possible, the personality can be developed than in a traditional lecture. This proven method work well for identifying and developing leadership skills, as well as the increasing of the person's success in workplace, and strengthening the person's motivation and commitment.

### **3.3 What is the benefit of training?**

Primary benefits:

- Acquiring leadership knowledge
- Acquiring specialised knowledge (e.g. cyber crime, IT skills, "white collar" crime, financial knowledge, drug crime, chemistry knowledge etc.)
- Upgrading of knowledge

Secondary benefits:

- Building up new relationships, networking
- Recreational aspects



### **3.3. What do we expect from training?**

The training can be based on knowledge, ability and competence, because everyone -thus the police leaders- can be trained in the following way: give them existing knowledge and solutions for known problems, improve their abilities to face future challenges and increase their level of competence.

For the good and efficient (police) leader all of the previously mentioned things are important and essential, but because in literature the knowledge and ability belongs to the category of competence, the police leadership training is competency based in all EU countries.

The definition of competence is not clear, several publications exist with a number of definitions, having similar contents:

- scope of authority,
- expertise,
- suitability,
- knowledge,
- attitudes,
- skills and abilities in general,
- ability to use the acquired knowledge,
- personal experiences and skills in different situations of life.

Regarding the level of the competencies, besides basic, generic and key competencies, leaders must acquire the following leadership skills, too:

- leading and motivating other people by example
- learning from mistakes
- developing and maintaining contacts
- impacting on other people
- making decisions

- staying focused on the objectives and processes
- elaborating strategies
- promoting ethical attitude.

The regular, professional academical and practical training of the leaders is essential, through which modern techniques and means of leadership knowledge can be acquired, and the strategic and systematic thinking can be developed.

Blended learning or mixed learning means the joint application of traditional (face to face) educational forms and e-learning. In this way the advantages of both methods can be combined.

### **3.4. When and where do we need training?**

Training has to be regular and continuous, adjusted to the developing carrier path of the leader (e.g. change of scope or change of leadership assignment, but also in order to maintain knowledge). On the job trainings should be considered next to more regular forms of training activities. Training delivered in EU level should be considered as an asset, including the participation in EU-wide exchange programmes. Also, police leadership training should be enriched by trainings provided by private companies, in order to enlarge worldviews and promote critical thinking.

### **3.5. What does already exist in the field of common training in the EU?**

#### *3.5.1. CEPOL*

CEPOL is a European Union Agency, established in 2005. Its mission is to bring together senior police officers from police forces in Europe - essentially to support the development of a network - and encourage cross-border cooperation in the fight against crime, public security and law and order by organising training activities and research findings.

Next to the EU MS, Iceland, Norway and Switzerland also take part in the work of CEPOL as associated countries.

CEPOL provides common trainings, sharing of expertise and is also a perfect platform for networking.

CEPOL organises between 80-100 courses, seminars and conferences -including police leader's trainings- a year on key topics relevant to all police forces in Europe. Among its flagship activities the TOPSPOC seminars and the Erasmus-type annual exchange programme for law enforcement officers shall be mentioned.

### *3.5.2. Twinning projects*

Within special programs mandated by the European Commission candidate member states to the EU benefit from the opportunity to learn from an experienced EU member state. When elaborating a project with a twinning partner, the EU member state supports the development of a policy area, or a specific topic with different possibilities. One of the main activities is training.

### *3.5.3. TAIEX*

TAIEX is another program managed by the European Commission, and provides the possibility to organize conferences, seminars and other short-term projects for know-how-transfer and sharing of experiences on specific topics.

### *3.5.4. Forum Salzburg Group*

Some years ago, when new member states joined the EU, Austria created this Forum to start a more intense cooperation in security matters with Slovenia, Slovakia, the Czech Republic, Hungary, Poland, Romania and Bulgaria. Its goal is to strengthen cooperation between those countries, and one of the key-issues is know how-transfer, based on common training.

### *3.5.5. Middle European Police College (MEPA):*

Recognising the impacts of political, economic, social and technological developments in Central Europe, and the dramatic increase of international, transnational crime, several countries in the region have endeavoured for a new type of training cooperation. This resulted in the establishment of MEPA in 2001, which focuses on the training of police / CID officers. MEPA countries are Germany, Austria, Poland, Switzerland, Slovakia, Slovenia, Czech Republic and Hungary.

MEPA as a training institution organizes courses on various aspects of practical work and current police requirements, targeting middle police managers in Central Europe. Its aim is also to reduce problems of communication and establish better

understanding between officers. The language of training is German. The activities of MEPA contribute to the development of common professional standards in Europe, leading to efficient action against cross-border or international crime, but it can not be regarded as an institution which coordinate and harmonize police leadership trainings on EU level.

#### *3.5.6. International Law Enforcement Academy (ILEA):*

In 1995 the governments of the United States and Hungary jointly established the International Law Enforcement Academy (ILEA) in Budapest, Hungary to support law enforcement training in Central Europe and beyond. The academy training programs are comprised of eight-week courses and shorter (one- to two-week) seminars, and the primary target audience is mid-level law enforcement managers of former socialist countries. Beneficiary countries of the ILEA are:

Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

It is clear that the main aim of this organisation is not to train police leaders on European level. Rather, ILEA plays a similar role similar function in police officer's training than the Marshall Centre in military officer's training, so it helps to build relationships, the common thinking, and helps for police officers and police leaders from non-EU Member States to incorporate European standards and thinking, preparing for change in mindset.

#### *3.5.7. The Association of European Police Colleges (AEPC):*

Since its creation in 1996, the Association of European Police Colleges has been acting as a network of police colleges from all over the European continent, connecting 50 member colleges from 42 European and European neighbouring countries.

AEPC organizes each year a choice of courses, conferences and various activities aimed at supporting and developing police training for senior police officers. It is a partner for EU institutions such as CEPOL or the European Commission.

AEPC maximises cooperation and coordination on police training between member colleges, though facilitating the sharing of best practice and research. It focuses upon the provision of training assistance to candidate EU countries and European countries by means of joint programmes, and it enables greater exchange of students and staff between national establishments including operational police officers.

CEPOL and AEPC concluded a Memorandum of Understanding, in order to optimise their cooperation, and avoid duplication. This also means that whenever CEPOL is in a position to undertake activities previously covered by AEPC, those activities will be implemented by CEPOL and the AEPC will cease to undertake them. With that the police leadership training - co-ordinated at European level – are being implemented within the framework of CEPOL.

#### *3.5.8. Other international training co-operation forms:*

There are bi-, or trilateral agreements between countries or police schools, exchange programs, etc., but only in a limited scale in terms of participants and duration.

Worth mentioning are also some forms of institutional cooperation based on common applications/programmes supported by the European Union (for example: Socrates-Erasmus, Tempus, Leonardo, DAAD, etc..)

### **3.6. What are the best practices?**

Beside national training programmes - that might offer best practices to be shared - there are a few EU or international training programmes/seminars or initiatives that provide efficient platforms of exchanging best practices, e.g. the TOPSPOC course by CEPOL, or the Pearls in Policing initiative by various countries.

## **4. Summary of statements**

According to information provided by various lecturers during the TOPSPOC IX. Seminars, and following the action learning method that were explored by the participants, the members of the PLUS group agree with the statement that ***“actual training on Police Leadership (PL) and Common Professional Standards (CPS) across the EU is too elusive”***.

In that regard the PLUS group conducted some exercises, with using the so called futures methodology, in order to identify the drivers, worldviews and myths that exist behind the lack of cohesive EU system of training. One of the methods applied was the Causal Layer

Analysis (CLA), trying to map the relevant social, economical and political drivers, and then to describe the worldview, including cultural perceptions.

This resulted in the finding that although there are political expressions of a real will to establish an EU-framework (see Stockholm Programme), but there is a *lack of political drive to implement this, in the absence of proper legal instruments. Training in principle still follows complex, national agenda with various training schemes* : one consequence is that *multiple, uncoordinated initiatives* are existing; another consequence of the key finding is the *spreading of best practices between different training systems is insufficient*.

In the big picture – the worldview level – it was discovered that the various police training systems are *non-transferable*, and the *bridges between them* should be improved significantly. It is acknowledged that police leadership should stick to their national systems, but need to incorporate a much larger *EU dimension* and common professional standards, to be applicable across the EU MS. In short: we need **police leaders with common standards, but not standardised police leaders**.

**Based on the findings the PLUS group considers that the overall question remains valid: “Do we have an EU context or dimension for Police Leadership and Common Professional Standards in the future?”**

Finally, exploring the deepest, unconscious layer of CLA about police training in the EU, the PLUS group finds it relevant to ask whether there is a need for a *common police leader’s culture* that would also result in a better acceptance of the police leaders themselves with each other, including the professional standards they believe in.

The European Commission is busy in developing a European training scheme for law enforcement agencies. The Plus group thinks that the European Commission and CEPOL should continue investing resources and doing a lot of persuading to fill in the European framework, to make sure that it complements the national agenda and at last to implement the EU-wide approach. We think also that CEPOL should be empowered to take the driving seat to improve the bottom-up flow of the training needs and best practices between CEPOL and the national colleges.

As part of the “future methodology”, the members of the PLUS group also conducted a scenario exercise, as part of our efforts in elaborating alternative futures. These scenarios build the basis of the recommendations made under point 5.

## 5. Recommendations

To make it clearer for the reader, recommendations were written for each statement of point 4. The consequences of not following the recommendations are also described if relevant.

### **Statement 1: “there is a lack of political drive to implement this, in the absence of proper legal instruments”**

More investments need to be done in the implementation mechanism. EU and JAI Council should take up their responsibility to agree on a concrete implementation framework, the legal and institutional tools; empower the COM and CEPOL to coordinate across the EU and enhance the platform for sharing best practices and develop CPS.

A failure would result in the continuation of the complex, imbalanced initiatives, mainly driven by MS considerations, but not an overall EU-perspective. That would mean a risk for the EU internal security, as the professional standards and ways on how law enforcement forces are managed would remain insufficient, non-cohesive and inefficient.

### **Statement 2: “training follows complex, national agenda”**

- MS have to open up their national law enforcement training programs on leadership in order to incorporate complementary EU- or other MS modules. Doing this, bridges are created between the national agenda, best practices can be shared and common ways of training will be developed.
- Make the MS be interested in partnerships and sharing experiences. This will lead to a more effective and efficient cooperation to tackle the common future challenges due to our globalized society.
- The creation of a “European Centre of Police Excellence and a Knowledge base” (ECPEK) could also help the police leaders to share, to prepare common approaches and to fight against upcoming challenges and new forms of criminality. National experiences on such excellence centres show that it facilitates a more pro-active working of the police services.

**Statement 3: “multiple, uncoordinated initiatives”**

- In order to avoid duplication, to increase efficiency and cohesion, and to improve the labour sharing between these multiple initiatives, it is recommended to include these initiatives in existing European networks (CEPOL Network, for instance)
- The European Centre of Police Excellence and Knowledge could be the reference point in this matter as well.

**Statement 4: “the spreading of best practices is insufficient”**

- A better interaction between law enforcement agencies is also required to define the needed common standards and to exchange best practices.

**Statement 5: “non-transferable, no EU dimension”**

- Include the European dimension in the national training programs of police leaders through a specific training module. The European Centre of Excellence and Knowledge would have to validate the national police leaders training programs and issue a European Police Leaders certificate (EPL).
- The EPL-certificate could be required for functions on European level.

**Statement 6: “common police leaders culture”**

- Exchange programs for Police Leaders, the continuation of specific trainings like the TOPSPOC and the development of continuous training programs by methods like “blended learning”, validated by the European Centre of Police Excellence and Knowledge, should contribute to the birth of a real common police leaders culture.

**Statement 7: “continue investing resources and doing a lot of persuading to fill in the European framework”**

- A stronger investment on EU level would mean savings on the MS side – but would also enable the EU to provide high value service – on equal basis - in police leadership training and common professional standards for law enforcement that could lead to their strengthened cooperation and sharing across the Union. Failure would result in lessening security, the prevailing of uncoordinated MS-driven initiatives, but still a high financial resource needs, both by various MS and by the EU funds.



### **Statement 8: “the bottom-up flow of the training needs”**

- In order to develop training modules answering to the needs of the MS or of the existing networks, the possibility should be given to them to sensitize the ECPEK via a structured bottom-up flow.
- ECPEK should also map existing training programs in order to detect the needs of common modules or curricula. This idea is already reflected by the European Training Scheme – mapping project that has been launched by the European Commission and Cepol (Stockholm Programme, 1.2.6). Hopefully not only member states and agencies will be involved, but also the border regions – the so-called Euregions – where inspiring initiatives are taken.

If the need of an ECPEK is not shared by political and law enforcement leaders across the EU, the risk is that police trainings and the development of professional standards remain compartmentalised. The risks are great that in this case the choice will be to use the existing networks and initiatives, although they reached their limits and showed not to be able to improve sufficiently PL and CPS. And if the wish was to only improve the working of the existing networks and agencies, the resources needed would be similar or even exceed in our opinion the amount of what is needed for the ECPEK, without guarantee of success. This presents an obstacle towards servicing the European citizen in a globalized future.

### **CONCLUSION**

The challenges law enforcement agencies are facing have often a supra-national dimension. This is not only the case in criminal matters, but also in matters of public order or disaster management.

In Europe, we have the possibility to work together, to get support from other member states if needed and to learn from good practices. Numerous activities exist, but mostly in an uncoordinated way. So, these processes need to be optimized to increase the security level of the European citizens.

Training on a European level can be one of the ways of optimization: it will increase mutual confidence and contribute to the development of common work methods. The Stockholm Programme and the Internal Security Strategy confirm the need of common EU police training. A lot of work has already been done or is still in progress, like the development of a

European Training Scheme by the European Commission. But it is fact that *a greater political drive* for the implementation of the recommended measures is needed now.

During the research work, the PLUS group found out that training still follows mainly national agenda, with no possibility enough of knowledge exchange and spreading of good practices. Many good initiatives are taken, but mostly uncoordinated. This affects especially the training of police leaders.

Nevertheless, in the opinion of the PLUS-group, training can help improving leadership and common professional standards in the future by:

- giving a real EU-dimension to the training of police leaders
- opening up the national training programs and including EU modules that must be controlled and validated
- facilitating partnership and sharing experiences between MS
- organising a bottom-up flow between MS and the EU to make sure the training is in phase with the needs of the MS
- promoting a better interaction between law enforcement agencies to improve the sharing of good practices
- introducing a “European Police Leader’s certificate”

For achieving this, the PLUS group recommends the creation of a “European Centre of Police Excellence”, including a knowledge base. According to our opinion, CEPOL should have a key role in this initiative, because the overall aim is to support training and development of common professional standards for police leaders. Police leadership must remain linked to the national contexts, but with an EU dimension and an EU leadership culture.

When Steve Jobs was asked about the future of computing, he talked about “cloud computing”. We think the same evolution can be foreseen for training : a sort of “i-training” allowing national training institutions and the new “European Centre of Police Excellence” to “synchronize” easily, whenever they want to or need to.

To summarize, do never forget: ***We do not need standardized police leaders, but we need police leaders with common standards.***

## Authors

### **Dr. Róbert Major PhD, police lt. colonel**

police advisor, associate professor, head of Department of Public Safety Faculty of Law Enforcement National University of Public Service

### **Ákos Péter Nagy pol. major**

Senior Investigator, Riot Police National Bureau of Investigation Criminal Intelligence Department Counter Organised Crime Division, National Public University phd candidate

### **Robert Crepinko**

Head of the National Bureau of Investigation

### **André Desenfants**

Director Coordinator EUPEN

### **Wolfgang Ebner**

Bundesministerium für Finanzen

### **Zoltan Kovacs**

Head of Directorate, Special Service for National Security

### **Zoltan Nagy**

Head of Operational Centre & Cooperation Unit

