

President Medvedev's Reform Of The Mvd: A Step Towards Democratic Policing In Russia?

by

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ABSTRACT

Brian D. Taylor's groundbreaking study, *State Building in Putin's Russia: Policing and Coercion after Communism* (New York: Cambridge University Press, 2011), demonstrates the critical importance of the development of democratic policing if Russia is to build the institutions and order which are essential in a democracy. It also shows that President Putin's state-building policies, unfortunately, carried Russia in the opposite direction. In the final year of the term of office of his successor, Dmitry Medvedev, a new effort was made to reform the Ministry of Internal Affairs (MVD), responsible for the police, and its operations. The objective of the present paper is to assess whether this most recent reform effort was finally taking Russia away from the predatory and/or repressive models of policing into the democratic (protective) mould. Rule of law means nothing if a country's police are themselves not bound by the rule of law. Using official Russian government sources (e.g., *Rossiiskaia gazeta*) as well as other newspaper and monographic accounts, including results of public opinion surveys, the paper assesses progress made in 2011 in the reform of Russian policing. History and bureaucratic inertia predict a pessimistic outcome to Medvedev's policies. Russia's situation is further complicated by universal trends, especially in Western democracies, where traditional patterns of policing, and police accountability, are coming increasingly into question, thus thoroughly muddling the whole notion of policing. The present writer's interest in the evolution of the Soviet police state into its postcommunist form found expression initially in a 2003 *CJPS* article on the political use of the police under Ukraine's nefarious President Leonid Kuchma.

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Not long ago, both Russia and Ukraine discarded the Soviet-era term “militia” for their law enforcement agencies in favour of the more universal designation, “police.” This, like other steps to reform what was once a vital arm of the police state so as to make it into an instrument of democratic law enforcement, however, appears unlikely to achieve ultimate success in the absence of appropriate leadership, policies, and external assistance. Yet such transformation is critical in those two countries—as elsewhere in the post-communist space—for the safety and security of their publics, the legitimacy of their own political systems, and the establishment of a secure climate for investment and commercial activity, domestic as well as foreign. It is also essential in order to reduce corruption. The present paper presumes that for post-communist countries, and for post-Soviet ones especially, the most crucial factor in changing from police state to democratic policing, which must be neither predatory nor repressive in its main focus, is international assistance. In the absence of such critical assistance, Russia is pretty much left to its own devices—that is, the fate of police reform will depend on the outcome of the tussle between institutional inertia and transformational political leadership. The stalled and half-hearted reforms evident up to now in the Russian context suggest that inertia is winning out over policy innovation, which has serious implications for the further development of a normal civic sociopolitical order there. Free and fair elections alone are not sufficient to assure fully democratic development; the rule of law is nullified if the public and police do not believe in or abide by the rule of law. A rebranding of Russia’s chief law enforcement body alone will neither assure policing according to the democratic model, nor ultimately the consolidation of democracy.

Having discarded the transitions paradigm (Harasymiw, 2011), students of post-communist countries such as Russia are nowadays rethinking the entire process of democratization, its dynamics, and the key influences involved. As Nathan Brown and Craig Kauffman (2011, 8-13) summarize this reassessment, we have now learned that: structural conditions (including institutions and history) cannot be ignored in favour of a voluntarist bias; the path of democratization is neither linear nor unique; transitions are not abrupt, which makes them problematic; a transition to democracy is never determined purely by domestic factors, so that international influences must be considered; and economics is less significant than once thought. Consequently, they say, we need to keep relearning that: authoritarian regimes can be robust; democratization is a matter of degree, not absolutes, making possible hybrid regimes; and the authoritarian legacy shapes the transition. Henry Hale (2011, 35) offers a succinct definition of hybrid regimes as combining “contested elections with . . . coercion and corruption.” Democratization is thus not a simple matter; it does, however, require

reconceptualization in today's world, now more than twenty years after the fall of communism.

In the study of hybrid regimes such as Russia and Ukraine (Shevtsova, 2001; Brown, 2011; Bunce, McFaul, and Stoner-Weiss, 2010; and Levitsky and Way, 2010), therefore, specialists are turning their attention to such topics as: the diffusion of influence from the EU to Eastern Europe and the Former Soviet Union (FSU); effects of the international system as a whole on post-communist transformations; how leaders of authoritarian regimes have learned to resist the contagion of democratization; and the transition to democracy as requiring a combination of domestic as well as international factors. One of the most vigorous such arguments (Levitsky and Way, 2010: 23-24) posits that a combination of (1) links with the West, and (2) the regime's organizational power is capable of determining the fate of hybrid (or, in their terms, competitive authoritarian) systems. Simply, it says that where linkage and Western leverage have been high, there democracy has prevailed; conversely, authoritarianism persists in those regions out of Western reach and having powerful rulers. While such studies are helpful in refocusing on the critical factors of democratization, and undergirding the present paper, they may also be oversimplifying the situation somewhat.

A ground-breaking work by Brian Taylor (2011a) on Russia's coercive agencies, including but not restricted to law enforcement, provides the inspiration for this paper. In it, Taylor places these institutions and analyzes them within a framework of state-building which he assesses in terms of capacity and quality. Contrary to Levitsky and Way (2010: 189-90 and 200), and to conventional wisdom as well, he finds that Putin's record on both capacity and quality was deficient, misguided, and only modestly if at all successful. Reasons for such shortcomings were: the continuation of patrimonial (as opposed to rational-legal) practices, faulty external monitoring, and the survival of old thinking. Within the Russian police, repression has given way to predation which still predominates over protection; Taylor was therefore sceptical of President Medvedev's ability to pursue reform in light of Putin's track record as well as of the great difficulties accompanying law enforcement reform anywhere in the world. The present paper picks up where Taylor leaves off, except that it concentrates exclusively on the police and on the democratization of policing instead of state-building.

One of the critical requirements for effective democratization is a decoupling of policing from politics. Especially for post-Soviet countries, where according to past practice policing was simply an arm of politics, namely for the protection for the ruling elite and party rather than public order and welfare (Shelley, 1996). Consideration of the Philippines' example (McKoy, 2009), strongly suggests that traditional practices everywhere are very difficult if not impossible to eradicate. Consequently, the gap

between what is desirable and what exists remains wide and shows little sign of narrowing, as in both Russia and Ukraine the political leadership seems incapable of reforming the functioning of policing (Robertson, 2004; Beck, Povolotsky, and Yarmysh, 2004). In the meantime, police may continue to be used for political purposes and corruption to prevail, although we may well have to rethink what we mean by corruption if our efforts to help are not to aid those who at present benefit from the system (Wedel, 2005: 112). The political use of police in President Kuchma's Ukraine on the eve of the Orange revolution, for example, has been analyzed by the present author (Harasymiw, 2003), as being symptomatic of the problem of decoupling policing from politics in post-communist states.

Unfortunately, trends in policing in the advanced industrial or post-industrial countries at this time are not altogether propitious as either a remedy for the ills afflicting post-communist countries or as a forecast of the future that may be awaiting them while they incorporate the elements of the democratic model. Indeed, according to experts in the comparative study of policing in established Western democracies, the situation there is also changing and may have already become critical or at least showing signs of becoming so (Marenin, 1996; Das, 2000; Reiner, 2005; O'Malley, 2005; Bayley and Shearing, 2005; and Jones and Newburn, 2005). At the very least, they contend, the basic notions of police and policing are changing. State police are losing their monopoly, if they ever had it, to various forms of private policing. Policing patterns, it is now realized, are determined by a complex set of factors which no one can deliberately combine or reproduce in a different context, although the outlines of democratic policing are reasonably clear in the abstract. Police culture appears almost intractable, yet its transformation is fundamental to reform. The image of the police has been tarnished in Western societies, due in part to police violence and apparent lack of accountability, and their effectiveness questioned in connection with increasing expressions of spontaneous collective violence.¹ The police themselves, in these circumstances, are everywhere around the globe apparently searching for a redefinition of their role.

Against this complex and fluid background, it is nevertheless possible to set out the main features of democratic policing in terms of which the Medvedev reform effort can be evaluated. While there are many and valid discussions of it (Caparini and Marenin, 2004; Marenin, 2000) in the literature, one formulation stands out as perhaps the most comprehensive. According to David Bayley (2006: 18-20) the four essential elements of the institutional reform of policing so as to have it conform to democratic government norms are: police being accountable to the law rather than to the government of the day; protection of human rights; police accountability to external

bodies; and citizens' needs being given top priority by the police service. In pursuit of such reforms, Bayley adds, "six substantive programs . . . are critically important.

1. Provide a legal basis for the new police.
2. Create specialized, independent oversight of the police.
3. Staff the police with the right sort of people.
4. Develop the capacity of police executives to manage reform.
5. Make the prevention of crime as it affects individuals the primary focus of policing.
6. Require legality and fairness in all actions" (Bayley, 2006: 49, elaborated 50-61).

Bayley's criteria, fairly self-explanatory in themselves, provide a convenient means, at least in a preliminary way and within the confines of a conference paper, to assess Russia's progress in reforming its policing function in the course of 2011.

Legislation

"There must be a legal blueprint that provides for those features of policing bearing most directly on adherence to the rule of law and human rights, on external accountability, and on implementing community-responsive strategies" (Bayley, 2006: 51). In Russia's case, such a document is the federal police law, signed by President Medvedev on 7 February 2011 and having gone into effect on 1 March 2011 (*RG*, 8 February 2011). A draft of the law for public discussion and commentary had been published on the Internet on 7 August 2010 (*KP*, 7 August 2010). In the interim, it grew in length from 12 legal-sized pages to 41. The law as published declares the purpose of the police to be the protection of citizens, prevention of crime, and the preservation of public order. It states explicitly that the activity of the police shall be legally based, and conducted according to the principles of: respect for human rights; legality; impartiality; openness; public trust and support; and cooperation and collaboration with other law enforcement bodies. The Russian police, however, are organized in one, single centralized system under the President who decides all matters dealing with its structure. It is thus debatable whether the police are meant to serve the people or the President; if the latter, then this is not a feature of democratic policing. There are several such ambiguous provisions. In terms of openness, for example, the police themselves will decide who, when and where will be accounting to the public. The police will issue accreditation to journalists covering police activity in the mass media. Public councils (*obshchestvennye sovety*) are to be attached to central and territorial police headquarters to communicate public concerns, but the manner of setting up such councils will be determined by the President himself. Following this relatively perfunctory opening of just two chapters (containing 11

articles), the bulk of the document—9 chapters consisting of 33 articles—is devoted to the police: their extensive rights and duties; use of coercion, physical force, and firearms; legal status; conditions of service; guarantees of social security; and financial security.

The new law's provisions regarding the powers and privileges of the police are remarkable—at least to the innocent outside observer. In addition to dealing with crime and preserving public order, the police are obliged to: administer first aid; cope with emergencies; initiate criminal proceedings and execute court decisions; institute active investigations; intercept administrative crimes; interrogate suspects; capture escapees; tend prisons; identify persons and bodies; counter extremists and terrorists; develop expertise in criminal/penal matters; oversee traffic safety; license and regulate firearms; license and monitor private security firms; guard citizens' property by agreement; supervise released prisoners; maintain fingerprint and DNA registers; provide witness protection; help control borders, prevent electoral fraud, maintain civil air safety, and enforce migration policy; pursue tax cheats; compel individuals to undergo court-ordered medical treatment; assist with the proper conduct of elections; confiscate forgeries and counterfeit articles; and safeguard items held by the police. In the course of their duties the police have the right to: intercept criminal activity; examine personal documents; call in persons for questioning and gain access to necessary information and documentation; patrol neighbourhoods; disperse onlookers from crime scenes; compile dossiers; conduct investigations; follow up on rehabilitation of ex-convicts; issue anti-crime directives; remove drunks or other intoxicated persons to medical facilities; detain minors; search individuals for dangerous substances and require samples for investigation; make records of detainees; stop vehicular traffic as required; ensure traffic safety procedures are followed; inspect arms storage facilities; verify information before issuing licenses; enter premises of private detective agencies; demand identification from civilians on police property; check if civil aviation is following the rules; take part in tax inspections; protect witnesses and victims; maintain identification data bases; use recording devices; recruit volunteer helpers; use the mass media gratis to disseminate information and commandeer and use communications as well as transportation on an urgent basis.

A person can be detained by the police who is: a suspect; escaping or avoiding arrest; under investigation; the subject of an administrative crime case; avoiding court-ordered medical procedures; violating curfew; in an unauthorized place; attempting suicide or fleeing a psychiatric institution; or subject to deportation. Any such person is entitled to a lawyer and interpreter, and, with certain exceptions, to a single phone call.

While everyone has the right to inviolability of one's domicile, there are specific circumstances when police are allowed lawful entry, including breaking in if necessary. An owner must be informed within 24 hours of entry. The police may block off access to certain properties in pursuit of escapees, to prevent public disorder, or to intercept terrorist operations. There is a list of 23 categories of persons on whom the police may collect information in their data base. There is a similar catalogue of circumstances in which police can use force, as well as a cross-listing of occasions and suitable means of coercion (e.g., gas, electric shock, water cannon, and animals), but it is doubtful a police officer on duty would have time to consult the cross-tabulations in the heat of the moment. It is specifically forbidden for the police to use firearms against women, invalids, and minors. Among their responsibilities police officers are obliged to: know and follow the Constitution; execute their duties and all lawful directives; respect citizens' rights; maintain professional qualifications; reveal their sources of income and inform superiors of any conflict of interest; and report incidents of contact with persons intent on corruption.

The "basic rights" of police officers include: proper equipment and instructions; rest and pay; receipt of and access to requisite information, including secrets; access to government buildings; advance notice of comments to be entered in one's personal file; security of personal data; advancement in rank; professional training; resolution of disputes; review of career status; defence of one's rights and lawful interests; life and health insurance; social security for oneself and family; and a pension. One article of the new law spells out the legal defence guaranteed to every police officer, who is protected by the state, who cannot be interfered with, whose lawful demands are compulsory, resisting whom incurs legal liability, and who is not obliged to explain the substance of information on file. Close relatives of the officer are entitled to the same state defence. Police officers have the right of association to protect their interests.

Entry into police service is open to individuals between the ages of 18 and 35, with a command of the Russian language, and complete secondary education. Entrants must pass psychological and physical testing, take the oath of service, and undergo a three- to six-month probation. Full-fledged officers are assured of a normal 40-hour work week, with provision for extra days off for overtime. Higher professional training is offered in exchange for a contract to serve a minimum of five years after graduation. There are 23 specific conditions for release from the service. A member is entitled to leave to fill elective office. At the apex, the higher directing staff of the police is appointed and dismissed by the President, which implies that ultimately the police are politically, not publicly, directed.

The new law spells out in great detail the social security guarantees afforded to police personnel. These entitlements are: to receive adequate pay; to carry state-sponsored life and health insurance, whereby a one-time payment to family and dependents is made in case of death or wounding in the line of duty; housing; and medical service. While on duty, the police officer can freely use public transport, and in case of transfer is entitled to use of any means plus hotels. Children of serving, deceased, or retired members of the police get first call on places in schools and summer camps. With so much security, and no ban on commercial activity on the side, there should be few problems of police corruption in Russia.

When it first came out, the new law which is to serve as the legal foundation for and harbinger of democratic policing in Russia received mixed reviews. Some commentators applauded its inclusion of various restrictions on the use of police power, such as the requirement for officers to identify themselves to citizens, to limit their ability for holding people in detention before appearing in court, and to refrain from the use of torture and undue force. "Although more needs to be done," wrote Gordon Hahn, "the law and its adoption mark a significant step in the direction of democratizing the MVD and in moving Medvedev's liberalization program forward" (JRL, 2011-#28, item #9). In Russia, of course, "regular law enforcement has always taken second place to political policing," as Mark Galeotti observed. "In this context, the new Law on the Police seems to represent a genuine shift away from this authoritarian habit" (JRL, 2011-#37, item #10). Russian observers outside of government were much less sanguine than their foreign counterparts. Opposition politicians, human rights activists, and NGO spokespersons were uniformly unimpressed, calling the new law merely a rebranding exercise, criticizing it for curtailing public control instead of facilitating it, pointing out its centralizing impulse when democratization requires decentralization, and expressing doubts about its effectiveness in curbing crime and corruption (JRL, 2011-#22, item #11; 2011-#24, item #18; 2011-#27, item #4; and 2011-#37, item #9). Even the Russian Minister of Justice, Alexander Kononov, was reported as being of the opinion that "the enactment of the law On the police is unlikely to noticeably raise the efficiency of law enforcement authorities" (JRL, 2011-#37, item #8). Drafted within the MVD (JRL, 2011-#120, item 5), it was inevitable that the new law would in its provisions favour the interests of the police at the expense of the public.

Oversight

According to Bayley (2006: 52-4), two aspects of police conduct require oversight, each preferably with its own supervising body. One is the effectiveness with which public safety is achieved; the other, the fairness of police operations, i.e., the absence of abuse of powers, misbehaviour, and indiscipline. In any case, as he says,

“external oversight needs to be independent of government control, guaranteed adequate funding, and exclusive in its focus on police” (Bayley, 2006: 52).

Chapter ten of the new Russian police law deals with oversight. State oversight, it begins, is effected by the President, the two chambers of the federal assembly, and the government; internal review is exercised by the head of the MVD. Public oversight is realized principally by the Public Chamber, a body set up in 2005 ostensibly to engage but in effect to coopt civil society members and to curtail thus their autonomy, as well as by public councils established at various nodes of the federal executive branch to monitor the police. There is also provision for judicial as well as procuratorial supervision, but what it consists of is not elaborated and how this differs from the other two forms is unknown. Complaints about police behaviour can be addressed to any of these bodies. Such provisions for public oversight as these are evidently deficient in principle in that the two critical aspects are undifferentiated, nor are the public bodies either fully independent of government or altogether exclusively focussed on the police. If the President, who decides the structure of the organization and appoints its High Command, also oversees the police then this does not constitute oversight in any meaningful sense.

Beyond these basic legislative provisions, the enabling measures for putting the police in closer contact with the public bear more resemblance to exercises in PR than to genuine oversight, more a show of openness than real accountability. In February 2011, the MVD launched an upgraded website allowing more information about itself to become public, and inviting greater access by the public to the police (*MT*, 22 February 2011). Indeed, this was not advertised as a form of oversight at all, but for consultation and assistance, encouraging a form of partnership model (not a bad thing in itself) (*RG*, 22 February 2011). The website subsequently posted a popularly-accessible explanation of the new police law (*RG*, 2 March 2011). In what should have been an embarrassing admission, a top official conceded that expert opinion on police reform in Russia or abroad had not been sought in preparing the new law (*RG*, 10 March 2011). In May, President Medvedev issued a decree on the establishment of public councils attached to the central MVD and its territorial components emphasizing their consultative function, and their decisions being of a purely recommendatory nature (*RG*, 23 May 2011). Another decree in August affirmed the central MVD’s public council, already in existence since 2006. Its tasks: to draw citizens into effecting law enforcement policies as well as to have them assist in realizing state policy on crime prevention. The actual composition of the council is determined by the head of the MVD; its members serve a two-year term (*RG*, 1 August 2011). The procedure for senior officers to make periodic reports before the public, another forum for

consultation, is set out in a directive issued by the head of the MVD in September (*RG*, 12 September 2011). By October, the first set of such public accountability sessions had been held in several regions, including Moscow, where the police chief, Vladimir Kolokol'tsev (named Minister of Internal Affairs by President Putin in 2012), spent two hours answering questions some of which were "not always pleasant" (*RG*, 11 October 2011).

In the USSR, consistent with its feudal pattern of governing, officials of the party and government regularly used to hold office hours listening to and adjudicating individual complaints dealing with the hardships of everyday life. Apparently, this practice persists and is now regularized in the MVD's dealing with the public. It has a new twist. A directive from the Minister sets out the procedure according to which members of public councils may attend and participate in such audiences at police headquarters (*RG*, 26 October 2011). In attending such citizen-initiated contacts with the police, the public council representatives will have the right to: familiarize themselves with the substance of a given complaint; express their opinions thereon; make appropriate proposals; and conduct inquiries in pursuit of further information. Members of the public councils will help citizens as a kind of surrogate advocate with their problems, but their inclusion in the public reception rooms can in no sense be counted as a tool for securing greater police accountability.

An approximation to true accountability and oversight of the Russian police can be seen in the activity of the Investigative Committee, formerly part of the Prosecutor General's Office, and now reporting directly to the President (*MT*, 21 February 2011; *RG*, 9 december 2011; and JRL, 2011-#60, item 5, and 2012-#75, item 23). In March 2012, it achieved great publicity in pursuing the case of Sergei Nazarov who died as a result of torture at the hands of police in the Dalny satation, in the Tatarstan capital of Kazan', in consequence of which several police officers and their superiors were sacked (JRL, 2012-#51, item 27, and 2012-#58, item 14). Knowledgeable observers, however, are divided over whether the Investigative Committee's operations truly qualify as police oversight or might equally if not principally be characterized as turf wars between security agencies (JRL, 2012-#73, items 16-18, and 2012-#75, item 23).

Staffing

To attract "the right sort of people" into the police without in the transition endangering public safety, one has either to disband the police altogether and form a new body quickly, as was done in Georgia (Mishina, 2012; JRL, 2011-#131, item 4), for example, or take a gradual approach slowly transforming the attitudes and habits of existing staff (Bayley, 2006: 54). Russia is taking the second path, with mixed results.

Much of it appears arbitrary and improvised, or at least not systematic or thoroughgoing. At the time of the new law's passage President Medvedev revealed that the police establishment would be set at 1,106,472, representing a reduction of 170 thousand from the then current level of 1.28 million. A newspaper reporter commented at the time that this would be a smaller decrease than announced in 2009: a reduction of 20 per cent, or 250 thousand officers, by 1 January 2012 (*RG*, 2 March 2011). Medvedev's insistence on reducing the size of the police *per se* cannot be assessed in terms of efficiency in the absence of details, which have never been revealed. A major lacuna in the new police law is that it does not set out the structure of the police organization, but leaves it to the discretion of the President, thus making any discussion of personnel changes—real or proposed—meaningless.

In the course of 2011, President Medvedev dismissed a large number of police generals (*RG*, 25 February-12 June 2011), but the impact this might have had on the organization is impossible to assess. Reasons for the firings were seldom given, so whether improvement in some rational sense was being sought or other motives were involved having to do with wider leadership politics in the Kremlin, or whether this was done merely for show, no one can tell and speculation thrives. In any case, investigation by inquisitive journalists has revealed that a great many of those dismissed soon landed in cushy jobs (*JRL*, 2011-#133, item 7), thereby casting doubt on the meaningfulness of the President's efforts at rejuvenating the directing stratum of Russia's police. Even the MVD chief of Tatarstan, 14 years in post, whose underlings in March 2012 tortured a detained 52-year-old man to death, was appointed a vice-premier of the republic with unspecified responsibilities shortly after his resignation (*KP*, and *RG*, 16 May 2012). Systematic rotation in leadership positions is to be instituted, with no one remaining in post longer than five years (*RG*, 15 June 2011). Whether President Medvedev's newly-appointed generals represent progress in the accepted sense of a wholesale transformation of the police staff is unknown, but is certainly open to question, especially since their replacements were all promoted as far as can be ascertained from within the organization. Remarkably, the President left implementation of police reform to the man who had already been Minister of Internal Affairs since 2004—General Rashid Nurgaliev, said to be a client of Vladimir Putin and hence untouchable (Taylor, 2011b).

As part of Russia's police reform all MVD personnel—from generals to patrolmen—were to undergo "vetting" (*attestatsiia*, and *pereattestatsiia*) by commissions composed of representatives of the Federal Security Service (FSB), Prosecutor General's Office, and the Federal Financial Monitoring Service (*JRL*, 2011-#84, item 9; #89, item 21; and #94, item 13; *RG*, 22 March and 29 July 2011). The

central commission at the very apex was chaired by the President's chief of staff, Sergei Naryshkin; below it were 1,545 various territorial ones (JRL, 2011-#55, item 10, and #89, item 9; *RG*, 2 August 2011). Reports of the numbers of officers actually failing to pass through the hoops are contradictory, perhaps being exaggerated for PR purposes. Thus 143 generals were initially said to have failed (out of some 340), which sounds impressive, but later it was admitted that only 21 had indeed flunked (JRL, 2011-#137, items 9 and 10). Originally, the President had set a target of 226,900 as the number of officers to be released from service as a result of the "vetting" (JRL, 2011-#136, item 7). Ultimately, however, 875,344 employees were said to have successfully completed the process, and 32,000 vacancies remained unfilled in the MVD as a result (*RG*, 2 August 2011), virtually the entire complement of the department. According to a non-governmental newspaper report, therefore, only 5,600 persons or less than one per cent failed to pass, and a further 43,700 declined to submit to testing, for a total of five per cent at the outside (*MK*, 15 May 2012). Considering that this process took only about six weeks to certify over three-quarters of a million personnel, it was a remarkable achievement in the annals of police reform in Russia suggestive of comparisons with Soviet five-year plan results.

The majority of those police officers released in connection with the "vetting" process were in any case assured a soft landing. Immediately it began, a telephone hot line was established in Moscow to help them find alternative employment (*RG*, 14 March 2011). A month later, about 2,500 who failed the "vetting" had already been placed (*RG*, 13 April 2011). Eventually, according to Minister Nurgaliev, some 35,300 job-seekers came forward, for 25,680 of whom employment was found and 9,657 were still seeking employment less than a month after the process had wound up (*RG*, 20 September 2011). Thanks to the efforts of their colleagues, ex-policemen do not end up on the streets in Russia.

Management of Reform

The key to organizational change is commitment and sustained leadership at the top by individuals who have a clear image of their goals and who impose the relevant conformity on their subordinates. Leaders must be able to read the organization and use appropriate levers to assure that reform proceeds as planned. In the process of directing reform from the top, they must actually transform the art of management itself so that it operates in a collegial, participatory, and bottom-up manner rather than the opposite (Bayley, 2006: 56-7). This is a tall order for Russia and its police, given its authoritarian and command-administrative traditions.

Considering that he initiated the process of police reform in 2009, and left it to the final year of his term of office to make the big push in its realization, it seems fair to suggest that President Medvedev was not altogether successful in managing reform. He acknowledged as much at the beginning of 2012, as he was getting ready to go out the door (*RG*, 31 January 2012). In speeches earlier on Medvedev had clearly expressed how he envisaged police reform as entailing the creation of a technically more capable force, modern and competent, and under public control (*RG*, 9 August 2010 and 22 March 2011). Yet his policy of a 20 per cent reduction in personnel seemed *ad hoc* and aimed at fiscal conservatives if such there be in Russia rather than rationally planned out in advance as it should have been. In fact, according to MVD documents obtained by a Russian newspaper (*NG*, 2 December 2011), indiscriminate staff cuts have done more harm than good in the prevention and interception of crime. His endorsement of the MVD's employees all being "vetted" by members of other closely-related coercive agencies in the absence of clear criteria was also questionable, seemingly more like Soviet busy-work than real personnel assessment. While Medvedev at least had a good understanding of the need for reform and its ultimate objective, the same cannot be said for the man to whom he entrusted its implementation. Minister Nurgaliev obviously did not manage to oversee the behaviour of his subordinates, as evident in the Kazan' incident which took place on the very anniversary of the coming into effect of the new police law. Nurgaliev was replaced by Vladimir Kolokol'tsev in May 2012, among the first appointments made by President Putin on resuming office (*KP*, 22 May 2012), but whether this will make a difference in management of the reform is doubtful. Perhaps the only real success in managing police reform in Russia to date is a symbolic one—the redesigning of uniforms, badges, and insignia, already tested in 12 regions, being introduced everywhere in the second quarter of 2012 (*RG*, 1 February 2012).

Crime Prevention

Responsiveness of the police to the needs of individual citizens, a reorientation of its work from protecting the state to protecting the people, is a necessary condition of democratic policing. It requires opening channels of consultation with the public, but these must not be turned into means of cooptation or control (Bayley, 2006: 58-9). In this regard, the previously-mentioned measures, e.g., improved website, creation of public councils, and presence of public council representatives at hearings of individual citizens' complaints, and even the regular obligatory reports by police chiefs to their constituents on whatever matters they feel the public deserves to be informed, are all steps in the right direction so long as the police use them as opportunities to learn from the public its true security concerns. On the other hand, the Kremlin's preoccupation

with countermeasures against “terrorism” and “extremism,” vaguely defined but heavily invested (*RG*, 27 September 2011)—not to mention the shutting down of detoxification facilities (*RG*, 18 February 2011) at the very moment it is known that the bulk of criminal activity occurs while the perpetrator is under the influence of alcohol—these go in the opposite direction. From an outsider’s perspective, based at least on a cursory overview, it would appear that Russia’s score on responsiveness can only qualify as ambiguous or incomplete.

Russians themselves have been responding over the past year to opinion surveys; they offer from time to time their own assessments of police and police reform which are likewise somewhat less than encouraging. As reported from the Russian press in David Johnson’s *Russia List*, these survey results paint a very mixed picture casting doubt that Medvedev’s project has yet achieved its goal in terms of responsiveness. VTsIOM, the state-run pollster, reported in February 2011 that members of the public were quite favourably disposed to the new police law, or at least to certain of its features, mainly those upholding a person’s rights. Oddly, respondents also liked permitting police in exceptional circumstances to break into a person’s home (JRL, 2011-#28, item 8). Another survey found in April that nearly 60 per cent of respondents mistrusted the police, almost the same percentage as in November 2010 (JRL, 2011-#62, item 8). By August, just 28 per cent of respondents in a VTsIOM survey said that policing would improve as a result of reform; 57 per cent felt the reforms would have no effect at all on the behaviour of the police (JRL, 2011-#147, item 3). Also in August, informed of the MVD’s offer of up to 300,000 rubles for information about planned or actual crimes, 36 per cent thought this would reduce crime while 34 per cent thought not, but 56 per cent were prepared to offer such information for free (JRL, 2011-#150, item 14). The public, it seems, was not overly impressed with the reform’s proposals. Nor, indeed, with its overall implementation, as shown in a September 2011 survey when just 9 per cent said that police work had improved since the start of the MVD reforms, but 66 per cent thought there had been no change and 7 per cent actually saw a deterioration (JRL, 2011-#162, item 13). According to a Levada Centre poll conducted in March 2012, 72 per cent of Russians “are sure that police reform did not have any positive effect and the quality of work of police in the last 12 to 18 months has not changed,” and only “7 per cent . . . noted changes for the better” (JRL, 2012-#48, item 16). If police reform cannot find a greater positive resonance with the public than this, then it must be judged so far as having secured but a limited success where the responsiveness of police to the needs of the citizens is concerned.

Legality and Fairness

Under the rubric of Legality and Fairness are included all aspects of discipline and its opposites: law breaking, abuse, and corruption. The aim of democratic policing should be to expect from the police "legal, courteous and professional conduct at all times" (Bayley, 2006: 61). Episodic evidence points to continued shortcomings in this area in Russia, despite measures taken to enforce discipline as well as to curb corruption.

Criminality is not unknown amongst Russian police, but progress in dealing with it is slow. A *New York Times* reporter in May 2011 went on a tour of a prison in Nizhniy Tagil specifically for law enforcement personnel convicted of such crimes as accepting bribes and assaulting suspects. He found that the majority of its inmates (1,590 of 2,000) were policemen. One of ten such facilities in Russia, the entire system housed 8,046 prisoners as of 1 February 2011, about a thousand more than in 2008. The prisoners he interviewed in Colony No. 13, incidentally, were uniformly skeptical that changing the term "militsiia" to "police" "would make much of a difference" (JRL, 2011-#93, item 16). The lack of discipline, and failure to deal with it, resulting in widespread brutality, was confirmed by the MVD's own figures which showed that in 2010 out of 125,000 violations by police officers only 4,000 resulted in criminal proceedings (JRL, 2011-#104, item 7). An internal investigation within the MVD into the highjacking of some 3,500 automobiles revealed the involvement of 30 organized criminal groups, twelve of which included 160 policemen, seven senior officers among them (JRL, 2011-#119, item 12). The seamlessness of the boundary between police and organized crime is a topic for an altogether different paper, but having been observed for some time now it is considered a permanent, almost natural, feature of the Russian law enforcement scene (Volkov, 2002: 142-54 and 167-73; Taylor, 2011a: 168-9).²

Corruption is likewise a familiar phenomenon within the ranks of the Russian police. It is, of course, a chronic problem throughout the entire government as well as the whole length and breadth of the country. President Medvedev had been waging a campaign against corruption since 2009, without much success as he admitted a year later (*RBH*, 26 July 2010). Indeed, the annual number of cases of corruption uncovered and prosecuted stayed roughly the same, averaging 12,000, from 2008 through 2011, the only difference being that latterly bribes began to be offered and accepted not just in cash, but in company shares, apartments, and prostitutes (*KP*, 8 December 2011). Apparently, however, there was some improvement in 2011, as only 5,021 crimes were committed by police, 9 per cent fewer than in 2010; this number included 3,002 related to corruption (JRL, 2012-#70, item 7). Law enforcement officers are prominent among bribe-takers. According to Bastrykin, of 6,000 government officials prosecuted for

corruption-related crimes in 2010, one third were from the MVD and even his own Investigative Committee (JRL, 2011-#10, item 5). A television programme broadcast a documentary on the notorious Magnitsky case, following whose death in detention in 2009 investigators who probed it suddenly became very wealthy presumably on the dispersal of his investment fund. Rather than offering to probe into the *nouveaux riches* investigators, a spokeswoman from the Investigative Committee dismissed Magnitsky as a notorious tax-evader (JRL, 2011-#98, item 11).³ Part of Medvedev's anti-corruption drive was a law passed in 2009 which requires all other laws to be assessed as to their susceptibility to exploitation by corrupt officials. Curiously, this legislation was never applied to the new police law in 2011. Even the President was surprised. Transparency International, meanwhile, identified at least 17 provisions that through vagueness in language regarding police officers' rights and duties could be open to abuse, but no action was evidently taken (JRL, 2011-#120, items 5 and 6). Corruption apparently even infected the "vetting" process within the MVD: Kolokol'tsev, its soon to be head, told *Rossiiskaia gazeta* that according to rumours within the department, a positive outcome would cost a cop on the beat from 200 to 300 thousand rubles; a general's spot was going for a million dollars (*RG*, 28 June 2011). An incident involving a police colonel from the Kemerovo region could well be interpreted as a metaphor for the whole nexus between law enforcement bodies, organized crime, and corruption. Colonel Konstantin Timofeev, having made numerous complaints about his superiors's corrupt behaviour to no avail at last resorted to posting a video on the Internet addressed to the President. One of his examples involved organized crime groups operating with impunity in the district, having paid off officials out of their bandits' kitty (*vorovskoi obshchak*), these same officials then used this money to build themselves summer cottages (*dachi*). According to his superiors, though, the colonel was merely a trouble-maker having recently failed his "vetting" (*KP*, 16 August 2011). That, a year after the new law on the police went into effect, 52 per cent of Russians were reporting that in dealing with the traffic police they had been asked for a bribe, and that this was the highest percentage among other government departments/sevices (JRL, 2012-#54, item 5), was a sad commentary on the intractability of corruption in law enforcement bodies of Russia.

While on a visit to Syktyvkar in the Komi Republic in July 2011, Interior Minister Nurgaliev admitted to his amazement at the extent of wealth and property ownership of some of his colleagues in the central apparatus revealed during the current "vetting" of top MVD officials. He wondered how they could be landlords and police officers at the same time. "We do not need that sort of officers. Let them leave and take all this dirt with them. They should honestly tender their resignations and say that they want to do other things, and good bye," he is quoted as saying, as though that were the end of the

matter (JRL, 2011-#131, item 2. See also JRL, 2011-#89, item 23). "Low income is widely believed to be one of the main reasons behind corruption and abuse of office in the police force" (JRL, 2011-#53, item 19), as a result of which the Kremlin began in February 2011 to prepare legislation significantly improving the pay and benefits of policemen, as well as curtailing opportunities for corruption (*RG*, 17 February, 28 March, 18 April, and 19 April 2011). In July, President Medvedev signed into law a bill tripling the salaries of police officers along with giving them other "social guarantees," all meant, as was said at the time, "to curb rampant corruption in the long underpaid police force" (JRL, 2011-#129, item 18. See also *RG*, 20 July 2011). Nurgaliev must surely have been even more astonished when, on the eve of his departure as Minister, it was reported (*RG*, 2 May 2011, and *MT*, 2 May 2011) that the MVD website had posted the incomes and property ownership of its senior officers, that one Viktor Grigorov, with an annual income of 28.3 million rubles was earning nine times more than Nurgaliev, and that in addition to salary, Grigorov owns a 2007 Audi A6, his wife earns six million rubles annually and has an apartment, and that together they own two homes as well as a second (or is it third?) apartment.

Beginning on 1 January 2012, the law on social guarantees for MVD employees (full text of the law in *RG*, 21 July 2011) establishes that monthly pay has two components: position and special title. Salaries are indexed to inflation and are supplemented according to one's: seniority; qualifications; working conditions; handling state secrets; performance; incentives; danger pay; and geographic location. Specifically, monthly salaries are supplemented for seniority by 10 per cent for two to five years' service, up to a maximum of 40 per cent for 25 or more years' service. Qualifications can boost position pay by 5 to 30 per cent; special conditions, up to 100 per cent; handling secrets, up to 65 per cent; exemplary service, three months' salary; individual achievements and danger pay, up to 100 per cent. In addition, the law allows for other awards and bonuses as well, not otherwise specified in the legislation—a blank cheque, in other words. A policeman who is captured, interned, or missing still gets paid, as also when temporarily disabled or discharged. Pay is, however, suspended when under criminal investigation. The law also provides for financial support when being transferred to a new posting, for vacations out of remote regions, and for a severance allowance worth seven months' pay after 20 years of service. Winners of USSR and RF government awards receive an extra month's salary per year. There is a home-building allowance, entitlement to subsidized housing, and rules for turning subsidized housing into real property. Size of family determines size of housing one is entitled to, but may be augmented. There is also provision for subsidization of rent and utilities. Free access to medical, dental, and pharmaceutical services is guaranteed; dependents, pensioners, and invalids are included with serving members.

Retirees are entitled to travel to a spa once a year, expenses paid. Survivors' benefits, like those of serving members, are many and comprehensive. A deceased officer's children are admitted to police colleges as cadets bypassing the competitive process—the dynastic principle in staffing the next generation of police personnel. Presumably, this would in future discourage individuals such as Viktor Grigorov from concentrating overly on the acquisition of personal wealth.

Assessing Russia's Police Reform

Within Russia itself, investigative journalists, human rights advocates, and experts all seem to concur in their verdict on the police reform in their country: there is none (see, for instance, JRL, 2012-#51, item 26; #67, item 14; and #70, item 7). The sole bright spot is the creation most recently within the Investigative Committee of a special unit to investigate allegations of abuse and other crimes committed by the police, a move strongly opposed by former Minister Nurgaliev, but about which even experts like Mark Galeotti have reservations (JRL, 2012-#73, items 16-18, and #75, item 23). It is hard not to agree with any of them. The new police law was drawn up by and for the police themselves, within the walls of the MVD. There is no genuine public control over the police, or even a close approximation. Police brutality appears as prevalent as a year ago. The "vetting" process was a charade. Management of the reform by the outgoing Minister was ineffective, consisting largely of putting out fires and staunchly defending the force. In sum, "reform" of the police in Russia turns out to be just another term for hot air because practically nothing changed meaningfully except the uniforms, the badges, and the logos—it really was a rebranding exercise.

31 May 2012

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MT—Moscow Times

NG—Novaya gazeta

NYT—New York Times

RBH—Russia Behind the Headlines

RG--Rossiiskaia gazeta,

WP—Washington Post

WSJ—Wall Street Journal

¹ In Canada, we have our own well-publicized and seemingly insurmountable problems with the Royal Canadian Mounted Police (RCMP, the "Mounties"). "Fixing the RCMP: New Top Mountie Delivers Candid, Scathing View of the Force," *Globe and Mail* (Toronto) (Alberta edition), 20 December 2011.

² As far back as 2006, Prosecutor General Vladimir Ustinov declared publicly that "organized crime more often than not involves state and law-enforcement bodies" (JRL, 2006-#113, item 11). For his troubles, Ustinov was shortly thereafter sacked by President Putin, who thanked him for his work (JRL, 2006-#128, items 1-4).

³ Sergei Magnitsky, a 37-year-old tax lawyer who had uncovered evidence of complicity by security service and internal affairs personnel in a \$230 million fraud scheme, was himself jailed on charges of tax evasion and died in detention in Moscow a year later. His mistreatment was taken up by human rights advocates and journalists (*WP*, 18 November 2009, and 8 December 2009; *WSJ*, 12 December 2009; *NYT*, 12 December 2009; and *WP*, 12 December 2009). Lately, the so-called Magnitsky bill, currently before the US Congress, and which would freeze assets and deny visas to Russians connected to human rights abuses, is creating a storm of protest in Moscow (*WP*, 30 May 2012).