

## Chapter 2

# Police Integrity in Armenia

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**Abstract** The Armenian police are a centralized police agency adjunct to the Government of Armenia. This chapter explores the contours of police integrity among the Armenian police officers. The chapter relies on the police integrity survey conducted in 2013. The sample of 969 police officers evaluated hypothetical scenarios describing various forms of police misconduct. We analyze the results across several measures of police integrity, such as the police officers' knowledge of official rules, evaluations of the seriousness of police misconduct, views about appropriate and expected discipline, and the code of silence. The results show that most of our respondents recognized behaviors described in the hypothetical scenarios as rule-violating and evaluated them to be serious. On the other hand, they thought that only lenient discipline is appropriate for such forms of misconduct. At the same time, they mostly expected their police agencies to mete out lenient discipline, indicating the presence of a relaxed disciplinary environment. Finally, our findings detect the presence of a strong code of silence, providing protection even for the behaviors evaluated to be rule violating and very serious.

**Keywords** Armenia · Democratization · Militia · Police integrity · Survey

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Aleksandr Khechumyan has conducted the police integrity research as a part of his nonresidential Network Fellowship at the Edmond J. Safra Center for Ethics, Harvard University.

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© Springer Science+Business Media, LLC 2015  
S. Kutnjak Ivković, M. R. Haberfeld (eds.), *Measuring Police Integrity Across the World*,  
DOI 10.1007/978-1-4939-2279-6\_2

## Introduction

The Republic of Armenia—a small country in the South Caucasus (at the junction of Eastern Europe and western Asia)—is best described as a country in transition. After the adoption of the Declaration of Independence, the former Soviet Republic has embarked on the road toward establishing a Western-style parliamentary democracy (Supreme State Council of the ASSR 1990). The Government of Armenia sought to legitimize its claim of becoming a democratic state by applying for membership in international organizations and signing major human rights treaties. Following the Declaration of Independence, the country became a member state of the United Nations (United Nations Security Council 1992). In 2001, the country became a member of the Council of Europe, subsequently ratifying the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Council of Europe 2013).

In 2009, Armenia entered a new phase of transition in the way of establishing a modern democracy based on the rule of law and respect for human rights. Jointly with five other post-Soviet governments (Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine), Armenian government signed a joint declaration with the European Union launching the Eastern Partnership aiming to create the necessary conditions to accelerate political association and further economic integration (Council of European Union 2009).

Democratization of the police is an integral part of transformation of the state apparatus from authoritarianism to democracy (Bayley 2006). Although the process of transition from authoritarianism to democracy in Armenia has been ongoing since the early 1990s, the police had not experienced any major reorganization until the end of the decade. Until 2001, Armenian Police was called “Militsiya” and was housed in the Ministry of Internal Affairs. After the independence from Soviet Union, the Armenian Militsiya became the successor of the Soviet Militsiya in Armenia and continued to operate under the same regulations. Most of the regulations of the Soviet Militia and the Law on Militia remained in force.

Soon after the independence, Armenia was involved in a military conflict with Azerbaijan. The conflict, which started in 1991, ended with a ceasefire in May 1994. Despite the ceasefire and continuous negotiations, no peace deal has yet been agreed between the two countries (De Wall 2003). During the active phase of the conflict, when the country was in the process of establishing military forces, police officers were not only performing their regular police work but were also regularly deployed to protect borders with Azerbaijan (Police Press Center 2012).

There was a considerable reshuffle of the police personal after the independence. Most of the police personnel, especially those who had supervisory roles, had to be members of the communist party. After the communist party lost the power in 1990, many experienced police officers—especially those in supervisory positions—were replaced by loyalists of the new government. The new appointees often were war hardened guerrilla fighters with no police experience. During this period, the Ministry of Internal Affairs was headed by Vano Siradeghyan—a writer and one of the leaders of the independence movement. Under Siradeghyan, the Militsiya had virtually unlimited powers and no accountability. It was also engaged in politics and

controlled some of the most profitable sections of the economy. In 2000, after the arrest of Siradeghyan who latter fled the country and is still on the Interpol's wanted list, it became apparent that there was a special unit in the police to carry out political assassinations (Avagyan and Hiscock 2005).

In 2001, the Parliament adopted the Law on Police followed by the Law on Police Service (2002), based on which in 2003 the Ministry of the Interior was dissolved and the police were established as an independent agency adjunct to the government (Police of the Republic of Armenia 2013). In 2005, the Parliament approved the Police Disciplinary Code which clarified issues regarding police misconduct and disciplinary sanctions for such misconduct. These laws determined the legal status of the police, boundaries of policing, and accountability mechanisms. They also established the legal foundations for turning the successor of former Soviet *Militsiya* from an institution defending the broad range of state interests and enforcing the conformity with the state ideology (Shelley 1996) into a democratic police agency. Furthermore, in 2003, with the assistance of the Organization for Security and Cooperation in Europe (OSCE), the police conducted the strategic-needs assessment for reforms, identifying implementation of community-based policing model, improving police education, and establishing an emergency call service as priority areas for reforms (Hofstra 2010).

The police are headed by the chief of the police, who is appointed directly by the president of Armenia based on the prime minister's recommendation (Law on Police 2001, Article 9; Law on Police Service 2002, Article 13). The police have 21 units which are part of the Police Central Apparatus, including police educational complex and medical department (Police of the Republic of Armenia 2014a). Police troops—military units tasked to protect public order, state security, and defend the country—are also a part of the police (Law on Police Troops 1997). The next level down in the organizational hierarchy includes Yerevan City Department and ten provincial departments, which are further subdivided into 52 local police stations (Police of the Republic of Armenia 2014b). The majority of regular police work is performed at the level of police stations. The number of sworn police officers is still viewed as classified information in Armenia.

The first part of this chapter examines the state of police integrity in Armenia by utilizing the key components of the organizational theory of police integrity (Kutnjak Ivković and Klockars 1995; Klockars and Kutnjak Ivković 2003). The second part of this chapter provides an empirical analysis of survey data measuring the level of Armenian police integrity through evaluation of police officers' views about seriousness of police misconduct, opinions about appropriate and expected discipline such misbehavior merits, and their willingness to report it.

## Theory of Police Integrity and the Armenian Police

This chapter explores police integrity among Armenian police officers based on the organizational theory of police integrity and related methodology (Klockars and Kutnjak Ivković 2003; Klockars et al. 1997). According to the organizational theory

of police integrity (Klockars and Kutnjak Ivković 2003; Klockars et al. 1997), police integrity is “the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation.” Police integrity does not necessarily imply that police officers will have the same inclination to resist all types of temptation; rather, the contours of police integrity may vary significantly across different forms (e.g., police corruption, use of excessive force), and levels of seriousness within the same form of misconduct (e.g., within police corruption, acceptance of gratuities vs. theft from a crime scene; Klockars et al. 1997). This chapter explores the theory of police integrity in relation to the Armenian Police.

## ***Organizational Rules***

The first dimension of the organizational theory of police integrity includes organizational rule making (see, e.g., Klockars and Kutnjak Ivković 2003; Klockars et al. 1997, 2001). It requires police agencies to create, teach, and enforce rules explicitly prohibiting misbehavior, which is very important for achieving the high level of police integrity (Klockars and Kutnjak Ivković 2004, p. 1.4). According to this theory, police officers in agencies of high integrity should know and support the organizational rules.

The Armenian Police are a centralized police agency; therefore, the official rules are made at the top of the hierarchy and are applicable to all police units across the country (Law on Police 2001). According to the Law on Police Service (2002), the police service is regulated by the Constitution, the Law on Police Service, the Law on Police, other laws and legal regulations, and international treaties ratified by Armenia.

These laws provide the legal grounds for establishing a professional, politically impartial, and democratic police agency. Apart from the laws regulating the police service, there are other laws which prescribe powers and responsibilities of police as a state agency, and establish liability for individual police officers. For instance, the new Code of Criminal Procedures (1998) (hereinafter CCP) prescribed the role, responsibilities, and functions of the police in discovering, registering, and investigating crimes (Articles 27, 57). It also introduced safeguards against overreaching powers of government agencies in criminal investigations and establishes the basic rules for the protection of constitutional rights and liberties of defendants during criminal investigations. Furthermore, the new Criminal Code (2003) (hereinafter CC) introduced a special chapter on crimes committed in the official capacity.

The Law on Police (2001) defines the police as “a centralized governmental body which has the right to use force to fulfill the tasks explicitly listed in Article 2.1” (Article 1). The legal definition of the police as a governmental body concerned with the protection of life, property, and assisting individuals and organizations in protection of their rights and legitimate interests is closely associated with the democratic view of policing. Furthermore, disintegration of Ministry of Internal

Affairs and the establishment of the police as an adjunct governmental body with detailed rules regarding appointment, promotion, and service of all police personnel, including the chief of the police, is an important precondition of developing professional nonpartisan police agency.

All positions at the police are grouped into following five broad categories: the top, main, senior, middle, and junior groups. The head of the police is the police chief, who should be a professional and not a political appointee. The rules require that the chief can only be a person who already has a position in the top commander group or at least 3 years of experience in the main commander group, and has the rank of police colonel or higher (Law on Police Service 2002, Article 14). The chief and his deputies are appointed and can be dismissed only by the president of Armenia (Law on Police Service 2002). The Law on Police Service (2002) establishes the criteria and the process for the appointment of all other police staff. The new Law on Police (2001), defines police powers and responsibilities (Chap. 2); it explicitly states that the use of torture, inhumane or degrading treatment, or other forms of violence by police is punishable by the law (Law on Police 2001, Article 5).

The existence of detailed and sophisticated laws demonstrates that essential legal rules prohibiting misconduct, regulating appointment, promotion, and service have been put in place. Despite creating rules prohibiting misbehavior and putting in place mechanisms to ensure that police officers are taught the rules, the key issue—the frequency with which these laws should be and actually are enforced—still remains without a clear answer. There is ground to believe that the aim of creating a nonpartisan police force has not yet been achieved: Initially the Law on Police Service (2002) required that only a police officer who holds a position in the highest commander group or has at least 3 years of experience in the main commander group may be appointed as a police chief. The Law on Police Service (2002) was amended in 2008, providing for an exception and allowing the appointee to be a former police officer or an officer with another service (e.g., military national security, prosecutors, corrections). Several days later, a governor of a Province (a former high-rank police officer) was appointed as a chief of police (Decree of the President of The Republic of Armenia 2008).

Furthermore, the familiarity with and the level of knowledge that police officers have about these new rules is an open empirical question. In 2008–2009, after the mentioned laws have been in place for more than 5 years, a survey explored officers' familiarity with official rules (Kutnjak Ivković and Khechumyan 2013a, 2014). The respondents in the study were asked to identify whether various forms of police corruption described in hypothetical scenarios violated official rules. Although the overwhelming majority of the respondents had no problems recognizing the scenarios as rule violating, the certainty with which the respondents evaluated such behaviors varied across scenarios. For instance, 80% or more participants evaluated that a bribe from a speeding motorist and a theft from a crime scene were violations of official rules. On the other hand, about one third of participants did not evaluate a theft from a found wallet, the acceptance of gifts from merchants,

and covering up drunk driving by a fellow police officer as a violation of official rules. Finally, only about three quarters of the respondents evaluated the acceptance of a kickback and the use of excessive force as rule-violating behaviors (Kutnjak Ivković and Khechumyan 2013).

In countries with decentralized police agencies, the content of the rules, in particular what behaviors are explicitly prohibited by the rules and the degree to which the rules are enforced, could vary drastically across agencies. In centralized police systems, such as the Armenian police, the same set of official rules applies to all police officers, regardless of in which agency and at what level of the organization hierarchy they work. However, what can differ is the way in which the rules are understood, taught, and applied in different parts of the country. In our prior work (Kutnjak Ivković and Khechumyan 2014), we did not find systematic and substantial differences in the police officers' knowledge of the official rules, but "we did find the largest and most systematic differences in the perceptions of disciplinary environments (i.e., police officers' estimates of discipline their agency would mete out). In particular, police officers employed in the capital consistently reported that they expected a harsher discipline than the police officers employed in a regional police department did" (Kutnjak Ivković and Khechumyan 2014).

### ***Detection and Investigation of Police Misconduct***

The second dimension of the theory of police integrity focuses on creation and maintenance of the whole range of activities that allow the detection and investigation of corrupt activities and discipline of corrupt police officers. These activities could vary from education in ethics, integrity testing, and proactive investigations, to the reactive investigations of corrupt behavior and discipline of corrupt police officers. According to the theory, there should be a strong and positive correlation between the reliance on an effective control system and the level of integrity in the agency (Klockars et al. 2004, p. 7).

The Law on Police (2001, Article 43) contains a norm concerning the right to complain against police officers to their supervisors or courts. If police officers fail to fulfill their responsibilities, do not fulfill them properly, or intentionally abuse the office, Article 43 of the Law on Police (2001) stipulates that police officers will be held liable in accordance with the legislation of Armenia. Moreover, the same article establishes the grounds for possible compensation to citizens for any damage caused by an illegal conduct of a police officer.

The disciplinary code defines that the appropriate conduct of police officers requires fulfillment of responsibilities prescribed by laws and other legal directives of the Republic of Armenia (Law on Approval of Police Disciplinary Code 2005, Article 5.1). Thus, every behavior that fits the abovementioned rules should be regarded as a disciplinary offense and, when this specific behavior fits the elements of a crime, it should be regarded as a criminal offense as well. The Police Disciplinary

ary Code also prescribed rules of police ethics which police officers have to follow both off and on duty. Although the Law prescribes 16 rules of police ethics, it specifies that only violation of four of them can result to in a disciplinary sanction. The four rules include the prohibition of financial or other support to political parties; an obligation to support supervisors in maintaining discipline in the organization; an obligation to know and respect human rights, be reticent, polite, and respectful with people; and, finally, an obligation to refrain from establishing financial or other relationships which can affect impartiality of the police officer and hinder fulfillment of his/her service duties (Law on Approval of Police Disciplinary Code 2005, Article 10). Furthermore, the Law on Police Service specifies some additional disciplinary violations, namely the violation of constitutional rights, revealing confidential information to unauthorized persons, the acceptance of kickbacks, being under alcohol influence while on duty, as serious violations of the police discipline (2002, Article 42).

The Disciplinary Code also specifies procedures which should be followed in disciplinary investigations. The Code is clear in determining that a disciplinary investigation and the associated internal discipline do not preclude a criminal investigation and a punishment for the same conduct (Law on Approval of Police Disciplinary Code 2005, Article 8). According to the Code, the grounds for initiation of disciplinary investigations include complaints from the public, organizations, and officials, detection of disciplinary violations by supervisors, and publication of media articles alleging police misconduct (Law on Approval of Police Disciplinary Code 2005, Article 18). Based on the grounds specified in the law, only the police chief has the power to order an internal investigation to commence. There is a special unit to carry out internal investigations, but the heads of all divisional units are also eligible to carry out internal investigations within the limits of their official capacity. However, the Code also prescribes that an internal investigation involving police officers from the highest and the main commander group can be carried out *only* by the police unit specifically designed to conduct internal investigations (Law on Approval of Police Disciplinary Code 2005, Article 12).

When an internal investigation concludes that an officer had violated the norms and engaged in prohibited behavior, an official who conducted the internal investigation should write a report suggesting the type of discipline to be applied (Law on Police Disciplinary Code 2005, Article 40). According to the Article 42 of the Law on Police Service, police officers can be subject to reprimand, severe reprimand, 10–50% reduction of salary up to 3 months, declaration on unsuitability to the occupied position, demotion to a lower position or rank, or dismissal from the police. The police chief has the exclusive power to make disciplinary decisions (Law on Approval of Police Disciplinary Code 2005, Article 8) and it is his discretion to decide what discipline should be applied. According to the law, if the police officer has shown sincere remorse or significant assistance during the internal investigation, the chief can utilize his discretion and relieve the police officer of any discipline (Law on Approval of Police Disciplinary Code 2005, Article 16).



Before the decision is made in the case involving serious violations, the materials collected during the internal investigation are discussed by the Police Disciplinary Committee—a body designated by the Government of Armenia. The Police Disciplinary Code (2005) stipulates that the Committee shall include police officers, as well as representatives from other governmental bodies and nongovernmental sector. However, police officers cannot constitute more than one half of the members (Law on Approval of Police Disciplinary Code 2005, Article 43.1) The Committee has an obligation to check whether the investigation resulted in sufficient evidence to prove that the accused police officer had engaged in the rule-violating behavior and, if this were the case, then decide the appropriate discipline. The Committee does not mete out the discipline; rather, the Committee recommends a type of discipline to the police chief who has the exclusive power to met out the discipline. The Committee can also recommend the police chief to close the disciplinary investigation (if the Committee did not find sufficient evidence that the police officer engaged in rule-violating behavior) or mete out no discipline (in the cases in which the officer expressed sincere remorse or apology, or provided substantial assistance during the investigation).

The disciplinary data are not readily available.<sup>1</sup> The data available in an OSCE-commissioned publication demonstrate that, in the period from January 2006 to September 2009, only 856 complaints were received from the public (OSCE 2010). The annual number of cases dramatically decreased over time, coinciding with the change in police leadership. In all of these cases, disciplinary investigations resulted in the dismissal of 167 officers and less severe disciplinary sanctions were meted out for additional 625 officers. In addition, 48 cases were forwarded to criminal investigators, which resulted to conviction of 26 officers (OSCE 2010).

More recent data available on the police official website show increase in the number of the disciplinary investigations. According to the data provided on the police official website (Internal Security Department 2013), 571 disciplinary investigations were conducted in 2012, which is a 25% increase compared to the previous year. These disciplinary investigations resulted in disciplinary sanctions in relation to 175 officers. About one quarter (43) was dismissed and the rest were subjected to less serious disciplinary sanctions (Internal Security Department of RA Police 2013). The data for the 6-month period in 2013 closely resemble the results of 2012. According to the data provided on the same website, 267 disciplinary investigations were conducted, resulting in disciplinary actions against 64 officers. About one third (19) were dismissed and less serious sanctions being meted out for the rest (Internal Security Department of RA Police 2014).

These data, which are publicly available, contain only the results of the internal investigations conducted by the Internal Security Department and do not provide a

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<sup>1</sup> Transparency International reports that, although the laws on public access to information apply equally to the police and other public entities, the police deny to provide any disciplinary data and refer to confidentiality of requested information as a valid reason for refusing to provide them (Transparency International 2003).



complete picture: No information is available on the number of internal investigations carried out by the heads of divisional units. Although the disciplinary data are too fragmented to make any meaningful comparisons, the first impression is that the number of dismissals decreased and the proportion of less serious disciplinary sanctions increased. At least for 2012 and the first half of 2013, the most frequently applied disciplinary sanction was reprimand (Internal Security Department 2014).

According to the previous police integrity survey (Kutnjak Ivković and Khechumyan 2013), only in two scenarios (bribe from a speeding motorist; crime scene theft of watch) participants thought that both the appropriate and the expected discipline should and would be dismissal. Although the survey included descriptions of scenarios of about the same level of seriousness, the participants in the study thought that both the appropriate and expected should be less serious or no discipline at all (Kutnjak Ivković and Khechumyan 2013). Unfortunately, no information is available about the discipline meted out in actual cases similar to the ones described in the questionnaire.

### *The Code of Silence*

The third dimension of the theory proposes that the control of the code of silence is essential for the development of high integrity (Klockars and Kutnjak Ivković 2003). The police integrity theory proposes that there is a negative correlation between the code of silence and the level of integrity in a police integrity. At the same time, supervisors in agencies of low integrity would be reluctant to investigate misconduct and eventually discipline officers (Klockars and Kutnjak Ivković 2003).

Before the 2008–2009 police integrity survey, there were no attempts to measure the code of silence in Armenian police. Our first police integrity survey (2013, 2014) demonstrated that there was a very strong code of silence among the participating Armenian police officers. For the overwhelming majority of scenarios describing police corruption, the results showed that the respondents would be reluctant to report such behavior (Kutnjak Ivković and Khechumyan 2013). Although the extent of the code of silence varied across the scenarios (being the most prominent for the less serious forms of misconduct), in only one scenario—theft of watch from a crime scene by a police officer which was evaluated by the respondents as the most serious violation and deserving the most serious discipline—the mean hardly passed the midpoint of the scale toward the reporting side (Kutnjak Ivković and Khechumyan 2013).

Moreover, the survey also revealed that the code of silence among Armenian respondents stands out in comparison with the code of silence among the U.S. and Croatian samples. When we compared the Armenian results with the results from an established democracy, such as the USA, we discovered that the code of silence in Armenia seemed to be substantially stronger than the code of silence detected in the sample of the U.S. police officers. On the other hand, when we compared the

results with another East European country in transition (Croatia), the code of silence among the Armenian respondents was similar to the code of silence among the Croatian respondents for less serious scenarios. However, the code of silence covering the most serious scenarios was much stronger in Armenia than it was in Croatia (Kutnjak Ivković and Khechumyan 2013). Quite remarkably, the respondents in the Armenian sample also perceived that most of their peers would be *more* likely to report the misconduct than they were. This unusual and unique finding contrasts with findings in other police integrity surveys during more than 15 years of research in 20 countries around the world (Kutnjak Ivković and Khechumyan 2013).

It seems that police administrators in Armenia are very well aware of the strong code of silence in the Armenian police. In fact, the police code of ethics, which is included in the Police Disciplinary Code, explicitly requires of police officers to assist their supervisors in maintaining discipline in the police agency. Moreover, in the case when a police officer fails to do so, the officer can be subjected to a disciplinary sanction (Law on Approval of Police Disciplinary Code 2005, Article 10). Therefore, it could be argued that the law stipulates that not reporting a misconduct of a fellow officer is a violation of the official rules in itself.

### ***Influence of Social and Political Environment***

The fourth proposition of the theory of police integrity focuses on the society at large and argues that the integrity of a police agency is affected by the larger social and political environment in which it operates (Klockars and Kutnjak Ivković 2003). When the society at large expects ethical behavior of its officials, police agencies are also more likely to set high expectations and expect ethical behavior from its employees. In contrast, police agencies in societies where corrupt behavior of public servants is tolerated, the level of police integrity is also expected to be low.

Various surveys conducted since 2003 have demonstrated the existence of systematic corruption in Armenia. From 2003 to 2008, Armenia's Corruption Perception Index (CPI) score remained relatively stable, at about 3.0, indicating serious corruption (Transparency International 2003–2008). The majority of the respondents also evaluated the governmental actions against corruption as ineffective (Transparency International 2010/2011). In 2011, the country scored 2.6 receiving 129th place among 183 participating countries (Transparency International 2012). This reality has not changed much during 2012–2013. In 2013, Armenia scored 36 on a new 0–100 corruption perception scale and shared 94–101 place among 177 participating countries (Transparency International 2014a).

Furthermore, in 2013, 39% of the respondents in Global Corruption Barometer had a perception that the level of corruption in the country has not changed during the past 2 years (Transparency International 2014). Sixty-six percent of the participants in this survey were in the opinion that police are corrupt or extremely corrupt (Transparency International 2014b). According to the results of the 2003 Transparency International survey (2003), household bribes paid to the police ranged from

Measuring Police Integrity Across the World  
Studies from Established Democracies and Countries in  
Transition

Kutnjak Ivković, S.; Haberfeld, M.M. (Eds.)

2015, XIX, 376 p. 22 illus., Hardcover

ISBN: 978-1-4939-2278-9