

**Reforming Police, Policing Reforms:
Democratizing Russia Law Enforcement and the Federal Law “On the Police”**

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President Dmitri Medvedev announced his plans for reforming the Russian police, then known as the militia, in December 2009, and on March 1, 2011, the Federal Law FZ-3 of February 7, 2011 “On the Police” took effect. The law was presented as a part of Medvedev’s corruption fighting campaign and was designed to bring Russia’s troubled law enforcement system closer to international standards by increasing professionalism and respect for rights among officers, diminishing the rate of corruption, and raising public confidence in the police force. However, by the time the legislation was ultimately approved, these laudable goals were undercut by quashed public and legislative debate, weak drafting, critical financing issues, unaddressed human capital and institutional issues, and feeble measures for accountability. These major issues with the law call into question whether it can be considered progress toward democratization; rather, it could easily fortify existing structures of corruption, further diminishing public control over the police force. This paper will first explore the demand for police reform, including salient holdovers from the Soviet militia, and then briefly outline the framework of democratic policing that will be used to analyze the legislation, before exploring these major flaws.

The Need for Reform

The crime rate in Russia has increased dramatically since the fall of the Soviet Union. The Soviet police (known as the militia) was meant to protect citizens, but also to guide the populous toward an ideal communist society, through the exertion of control and manipulation. As a result, the role of the police was wholly enmeshed with political aims. Crime data needed to affirm the superiority of the communist system over the capitalist; because crime was a capitalist phenomenon, an indicator of progression toward the communist ideal would be a decreasing rate of crime. Widespread falsification of crime data and underreporting make it difficult to assess the crime rate long before 1989, when, as the regime destabilized

and crime rose, it became more challenging to continue to present idealized figures.¹ Following the fall of the USSR, crime rapidly increased, due to the challenging economic conditions including unemployment and poverty, under-resourcing and under-staffing of police, the rise of international criminal networks and escalating corruption in the government.² These problems have more or less persisted through the last two decades. Similarly, the tradition of falsifying crime data has not been fully reformed.

Recent studies have pointed to severe increases in criminal activity, discrediting the “optimistic but unconvincing reports” produced by law enforcement agencies.³ While official statistics claimed that crime in 2010 decreased by 13%, a report from a research group at the General Prosecutor’s Office Academy said that, as of 2009, crime was in fact growing at a rate of 2.4% a year.⁴ The same assessment estimated that 26 million crimes were committed in 2009, but that only 3 million were registered with the police. Dubious statistical accounting is a common way to influence statistics. For example, it is common to include only the number of cases opened in crime data; this does not include all crimes registered with the police. A look at data on murder and missing person investigation from 2009 presents a harrowing look at how inaccurate accounting can conceal major issues in law enforcement. In 2009, official data states that 18,200 murder investigations were opened nationally. Were this number to include murders where no investigation was opened, the figure would be 46,200, indicating that 18,000 murders were not investigated. In the same year, 77,900 unidentified dead bodies were recovered, and 48,500 people were reported missing. These numbers viewed alongside data murder investigations suggests that a number of murder cases were never reported or investigated and that law enforcement agencies are not fulfilling their duties, even in the most serious of crimes.

Similarly, corruption within the police force has spread without restraint. In 2009 it was estimated that police officers committed 11% more crimes than the previous year, for a total of over 5,000, more than 3,000 of which were charges of corruption or abuse of power.⁵ These figures naturally only include crimes for which officers were caught, investigated and found guilty, a number which likely underestimates the true total. An unidentified member of the Police Officers’ Special Service Internal Security (also known as

¹ Marina Caparini and Otwin Marenin, “Crime, Insecurity and Police Reform in Post-Socialist CEE,” *The Journal of Power Institutions in Post-Soviet Societies* [online] Issue 2, 2005. <http://pipss.revues.org/3300>.

² Caparini and Marenin, “Crime”.

³ Alexandra Odynova, “10-Year Study Slams Police Crime Figures,” *The Moscow Times*, January 17, 2011, accessed December 1, 2011, <http://www.themoscowtimes.com/news/article/10-year-study-slams-police-crime-figures/428937.html>

⁴ Odynova, “10-Year Study”.

⁵ Alexandra Samarina and Yulia Sadovskaya, “Police, Open Up! The law ‘On the Police’ comes into force today,” *Nezavisimaya Gazeta*, March 1, 2011, accessed November 27, 2011.

the Internal Security Department, an Internal Ministry body that investigates charges against police officers,) reported to ITAR-TASS that 18,000 criminal offenses had been committed by police officers in the first quarter of 2009 alone, up 18% from the previous year.⁶ Yuri Draguntsev, of the Internal Security Department, estimates that one of every twelve crimes committed in Russia is committed by a member of a law enforcement agency.⁷

A dramatic demonstration of the criminality of Russian law enforcement emerged between April 27 and May 7, 2009, a period of just over a week, when several high-profile incidents occurred in Moscow.⁸ On April 27, 2009, Police Major Denis Yevsyukov, chief of Moscow's Tsaritsino precinct, killed two people and injured six others when he opened fire with his state-issued firearm at a supermarket; he also murdered the taxi driver who had driven him to the supermarket. He had apparently been frustrated by a domestic argument with his family. The same day, five officers were arrested on charges of operating a criminal gang, kidnapping, extortion, selling narcotics, forging criminal evidence and for the murder of a Tajik hostage; the officers had served together in the organized crime unit. On May 6, traffic police in Moscow had to use road spikes to stop a drunken police officer on a joyride, which included driving on sidewalks and on the wrong side of the road. On May 7, a Moscow police major was arrested for attempting to extort a \$200,000 bribe from a business in exchange for closing an investigation of which it was the focus, and for returning its computers. These crimes offer an instructive survey of the variety of criminal activity in which law enforcement engage, ranging from unprofessionalism and abuse of power to crimes of the highest severity. It also demonstrates that officers at all levels engage in this behavior.

Unsurprisingly, the Russian public does not view the police as an organization that supports and protects their interests. A poll by Russian Public Opinion Research Center in June 2010 indicated that 40% of people had faith in the police, while 47% distrusted them; six months later, polls showed that only 30% of people trusted the police, while 67% feared them.⁹ In early 2011, a Levada-Center poll said that 81% of respondents regarded "lawlessness and tyranny of law enforcement agencies" as a major problem; 40% agreed that the police were used as a tool against the political opposition; and 63% said they were afraid of

⁶ Yuri Zarakovich, "Police Supermarket Killings in Moscow Reveals Deeper Problems," *Eurasia Daily Monitor*, May 13, 2009, Volume 6, Issue 29, accessed November 27, 2011.

[http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=34982](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=34982)

⁷ Samarina and Sadovskaya, "Police, Open Up!"

⁸ Zarakovich, "Police Supermarket"

⁹ Samarina and Sadovskaya, "Police, Open Up!"

being a victim of a crime committed by law enforcement officers.¹⁰ Across the post-socialist world, the rising crime rate has led the public to report increased feelings of fear of crime and insecurity, yet the fear of crime has been accompanied by the increased perception that police officers are corrupt or serving interests of the state or of private individuals.¹¹ This rift between the public and law enforcement agencies limits the efficacy of the police. Citizens are less likely to report crimes when they feel that a just investigation will not be launched, out of fear of interacting with law enforcement officers, or fear of reprisals from criminal networks against which the police cannot offer protection. In 2000 only 34% of victims of crime in Central and Eastern Europe reported the crime to the police; the figure for the same year was 56% in Western Europe.¹²

The rising crime rate, the apparently low capacity of the police force to combat it, and the active participation of law enforcement officers in perpetrating crimes pose a significant threat to the stability of Russian society. Corrupt practices, like payment made in exchange for promotion, have had a negative impact on the competency of the police force. Supplementary economic activities such as accepting bribes and providing private protection subvert the very objective of policing, as these activities rely on the continued existence and even profitability of criminal activities. The enmeshment of the police force and state bureaucracy at large with organized crime networks is so intense that, when announcing the law “On the Police”, President Medvedev has described it as “almost impossible to distinguish where organized crime ends and the business community begins”.¹³ Widespread corruption has had a negative impact on the growth of the middle class, forcing entrepreneurs to spend a significant portion of their resources on bribery or protection. Medvedev has called these “endless extortions...a threat to society and the state”.¹⁴ Millions of dollars are annually stolen from the state by corrupt officials, though Russia faces aging infrastructure and the need for serious investments in development. Medvedev also singled out the response to the Domodedovo airport terrorist attack in January 2011 as “unprofessional and totally unacceptable.” Thus reform of the Russian law enforcement is much needed to confront the escalating crime rate, restore stability and security to people’s daily lives, and create a police force that encourages the positive development of society, rather than attempting to profit off of its ills.

¹⁰ *Ibid.*

¹¹ Caparini and Marenin, “Crime”.

¹² *Ibid.*

¹³ “Медведев подписал закон “О полиции”: с 1 марта в России появятся образцовые полицейские” NEWSru.com, February 7, 2011, Accessed November 27, 2011. <http://www.newsru.com/russia/07feb2011/mvd.html>

¹⁴ *Ibid.*

Democratic Policing

The guidelines and priorities of democratic policing theory would be an instructive guideline for reforming law enforcement in Russia, as they have for other post-socialist countries. Though there is no indication that Medvedev had democratic policing in mind when he proposed the reforms, the legislation's emphasis on professionalism, popular support, rule of law and protection of citizens over enforcement are all in line with democratic policing ideals; however, legitimacy and accountability, the two centerpieces of democratic policing, do not play as central a role in the law. These two fundamental concepts, particularly missed opportunities to include them in the legislation, are explored in depth the following sections. This section provides a general overview of democratic policing, using two examples from "On the Police".

For all post-socialist countries, the conversion of the police force from an organ of state control to an institution that performs public service required serious changes in how police viewed their own work, how they viewed society, and how society viewed the police. The Soviet militia was a highly centralized, non-transparent military-style force that was accustomed to operating on a political agenda, had a high degree of supervision, expected obedience at every rank, and considered itself above the law.¹⁵ By contrast, a democratic police force is

characterized by an orientation to service for civic society, rather than the state; transparency and accountability; the representativeness of personnel as measured by the distribution of salient identities in society; integrity management as a central function of police administration; a semi-autonomous status of the police organization and system; the treatment of police as citizens; and the possession of skills needed to perform allocated tasks efficiently and effectively, as indicated by the degree of professionalism at all ranks.¹⁶

The ultimate goal of a democratic policing is an effective, independent law enforcement system that respects citizen's civic and human rights, and values rule of law norms. Achieving standards of democratic policing require changes to legislation and protocol, but most importantly, to the institutional and social understanding of police power. The norms of democratic policing must be internalized, and law enforcement must reject their former way of doing business. All post-socialist countries have adopted some type of police reform program to bring law enforcement in line with democratic regimes—even if the regime might mainly be democratic in name alone.

Legislation is only one of the several methods of reforming police, and when it comes to changing institutionalized cultures, it may not be the most effective. For example, throughout Central and Eastern

¹⁵ Caparini and Marenin, "Crime".

¹⁶ *Ibid.*

Europe, and now in Russia with the passage of “On the Police”, laws were passed mandating that the militia, as the Soviet police was known, be known as the police, as they are in Western Europe, the United States and most of the democratic world. In Russia, the long-overdue name change was one of the most discussed items included in the police reform bill, yet this and similar changes are essentially superficial. Symbolic changes to nomenclature, logos, uniforms and even rhetoric, are popular, easily legislated and easily accomplished, but have little impact the ethos of law enforcement officers, whose behavior will be mainly unchanged regardless of the name of their unit or what uniforms they wear.

By contrast, “On the Police” contains several key clauses supporting the development of the rule of law and democratic ideals in the police force. Significantly, the law affirms the primacy of human and civil rights; Article 1 articulates the purpose of the police as “protecting the life, health, rights and freedoms” of citizens, above crime prevention and enforcement of law and order.¹⁷ Article 5 affirms that “police shall pursue its activities on the basis of the observance of and respect for human and citizens’ rights and freedoms”. While these words are not enforceable regulations, their inclusion is a step toward reorienting the police force around rights protection and public service. Another major success of the bill is the prohibition of using “torture, violence or other cruel or denigrating attitudes,” (though critics took issue with the uses of force allowed in later provisions). The policing goals stated in these articles are consistent with those of a legitimate democratic society, and the fact that they were incorporated into the opening articles of a widely discussed bill may help shift the awareness towards the protection of rights.

For police reform to be successful, goals such as these must publicly be made a priority, along with enforceable legislation moderating police rights and duties and addressing the overall structure of law enforcement agencies. Changing institutional structures and values is challenging, time-consuming, expensive, and, in some cases, threatening to those in power. This remainder of this paper will attempt to tease out the recently passed law weakens or reinforces the established organization and culture of law enforcement in Russia.

Legitimacy and Public Debate in the Passage of the Law

¹⁷ Citizens is defined in the law as “citizens of the Russian Federation, foreign citizens and stateless persons”

The operations of a modern democratic police force are based on legitimacy—the public recognition and support of the role of police in society.¹⁸ There are two major obstacles to developing legitimacy in post-socialist societies: first, the police must create a new mode of interacting with the public that demonstrates their orientation around protection, rather than enforcement, and, second, the public must be convinced that the police has truly changed.¹⁹ As Caparini and Marenin have defined it, “police who enjoy legitimacy are viewed both by state actors and the public as representing salient and legitimate interests in society, hence as acting fundamentally in the public interest.”²⁰ A key aspect of legitimacy in a democratic context is consent; a police force is seen as legitimate if the population it works with willingly and freely supports its authority. The effect of consent and legitimacy can be powerful; a police force that is viewed as legitimate can have greater success at deterring crime than one that relies on physical force or the threat of physical force.²¹ A society where citizens believe in the legitimacy of—and comply with—laws and law enforcement is more stable than one based on force, which can be destabilized when citizens respond to force in kind.²²

The Russian police force does not in general enjoy legitimacy. It is widely distrusted and viewed as corrupt, self-serving and incompetent, as discussed above. Its major crime deterrent is fear, yet fear discourages citizens from reporting crimes, thereby diminishing their overall effectiveness. The lack of legitimacy of the police force was becoming a more publicly discussed issue in the months before Medvedev announced the reform law. The supermarket shooting committed by Police Major Yevsyukov, videos decrying institutionalized bribery in law enforcement by police officer Aleksei Dymovsky, and the international outrage at the detention and later death of tax lawyer Sergei Magnitsky had all brought increased public scrutiny to the necessity of police reform.

Recognizing the broad popular interest in topic, and perhaps also the opportunity for moving toward the public legitimation of the police, Medvedev chose for the first time to open a draft law to public examination, via an online platform that allowed the public to assess the law and submit comments and suggestions.²³ The draft law on the police was available at a dedicated website from August 7 to September

¹⁸ Niels Uildriks and Piet van Reenen, *Policing Post-communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (Antwerp: Interstetia, 2003), 1.

¹⁹ Uildriks and van Reenen, *Policing*, 2.

²⁰ Caparini and Marenin, “Crime”.

²¹ Uildriks and van Reenen, *Policing*, 3.

²² *Ibid.*

²³ Medvedev opened several other laws to online discussion during this time, all of which covered issues of popular concern.

15, 2010 in advance of the Duma vote. During this period between 33,000 comments were posted, approximately 20,000 of which included concrete suggestions for modifications to the law.²⁴ Opening a public debate on legislation that directly impacts individuals' lives could be a meaningful step towards increasing public involvement in the legislative process in general, engendering a popular understanding of law as an instrumental force, rather than a restrictive one, and enhancing the legitimacy of the police force. In this specific case, it may have helped the population become better acquainted with their rights and obligations as regards the police. These impacts are likely mitigated by the limited population inclined to comment on such a website; not only must one have access to the internet, and an awareness of the public form and the 6-week commenting window, one must also have the attention and legal knowledge to read and understand a legislative text. Thus, while a step in the right direction, the impact of the public Internet debate on the draft law will likely be limited.

Still, some of these several thousand comments were incorporated into the text. Though no summarizing report of the comments was ever produced for the public, Medvedev did indicate in a public speech that several of the allegedly most important concerns from the online debate would be incorporated into the draft law.²⁵ Articles were added requiring that officers identify themselves verbally and with name badges on their uniforms, that they mirandize individuals placed under arrest, that individuals under arrest may ask for a phone call to be made to their families, and that a call center be established for complaints. These amendments concerned bringing interactions between individuals and police officers in line with international standards protecting individuals' rights and holding police officers accountable for their actions. They could enhance public sense of the legitimacy of the police if widely implemented.

Their impact, however, remains to be seen. These amendments are fairly superficial insertions. The comments singled out by Medvedev for inclusion in the draft law do not demand anything beyond the simple addition of new articles. They did not address any of the major structural problems of the law, including its generally vague drafting, clearly flawed measures for oversight, financing, and lack of strong regulation against excessive use of force, although these issues were discussed in the media while the bill was under public review and thus were almost certainly mentioned in the comments. These greater

²⁴ Alexander Bratersky, "Deputies Cheated on Police Reform," *The Moscow Times*, January 21, 2011, accessed December 1, 2011, <http://www.themoscowtimes.com/news/article/deputies-cheated-on-police-reform/429360.html>.

²⁵ Natalia Makarova "President summarizes citizens' proposals on police reform," RT.com, September 23, 2010, accessed November 27, 2011, <http://rt.com/politics/police-law-discussion-results/print/>

structural flaws with the legislation were not mentioned in Medvedev's speech on the results of the public debate. Rather, Medvedev emphasized the trivial nature of the comments they would likely include in the revised draft law. In regard to the suggestion that individuals under arrest have their rights recited to them, Medvedev flippantly remarked, "It would not create too much trouble for a policeman and it won't harm a detainee to hear [one's rights] once again," implying that all detainees are well apprised of their rights already, perhaps an overstatement of public's knowledge. Though a few beneficial measures were included in the draft law as a result, the process as a whole resulted in the refusal to engage in serious debate on the relationship between the police and society, and a large-scale denial of lawmakers' accountability to constituents.

This pattern of engaging in superficial debate on the draft law's deficiencies, followed by a refusal to incorporate changes persisted through the approval process. At the Duma, coalition voting support for the law had been secured based on promises that the draft law would be amended in a variety of ways. Many Duma members had concerns about oversight and vague wording. Some of these amendments were disregarded out of hand by Vladimir Kolesnikov, deputy head of the Security Committee of the Duma, and some of which, they were told, would be the subject of subsequent legislation.²⁶ In all, approximately 560 amendments to the law were proposed, but just a few days before the vote, lawmakers abruptly dropped the vast majority of amendments, including measures for oversight of the reforms on a public and parliamentary level, and banning law enforcement officers from working in the private security market. Several parties that had supported the initial draft bill on the premise that their amendments be incorporated felt "cheated" by the process.²⁷ The Communist and Liberal Democratic Parties ultimately refused to support the bill.

The bill was passed with flaws that had been pointed out by a variety of parties, including private individuals, civil society organizations, the press and members of parliament. Coupled with the aborted public debate on the draft law, the inconsistencies in its review at the Duma indicate a resistance to true reform of and even open debate about law enforcement in Russia. The review of this legislation did not result in a clearly worded law reflective of society's interests. Rather, the review process served as a diversionary hedge, allowing lawmakers to pass the law virtually unchanged in a form that seriously

²⁶ Marina Ozerova, "Закон "о полиции" приняли втемную," *Moskovskii Komsomolets*, January 29, 2011, accessed November 23, 2011, <http://www.mk.ru/politics/article/2011/01/28/561573-zakon-quoto-politsiiquot-prinyali-vtemnuyu.html>

²⁷ Bratersky, "Deputies"

threatens its efficacy. The botched review process constitutes a failed opportunity to legitimate law enforcement. Instead it validated the perception that law enforcement and the state are engaged in a mutually beneficial relationship that supports their interests over those of the public. The failure to strengthen the law after its major issues were identified suggests that highest-level politicians—perhaps even Medvedev himself, who proposed the law and ushered through its approval—have a vested interest in preserving the troubled structure and culture of law enforcement in Russia, and further erodes public faith in the administration’s ability and even interest in legal reform.

Poor Drafting

A result of poor initial drafting and a resistance to amendments during the approval process, imprecise wording is one of the most significant issues with the legislation. Vague, subjective wording permits officers excessive leeway in determining the legality of a situation and provides unclear guidance as to how they should react; thus, the bill could easily allow inconsistent application of the law and violations of citizens’ rights. For example, one provision allows officers the right to confiscate citizens’ documents if they believe them to be fake, but includes no instruction on how to assess the validity of documents, when they should be retained or when they should be returned.²⁸ One assessment identified the repeated use of the subjective terms inappropriate, impossible, suspicious, reasonable grounds, and extraordinary circumstances as a major problem in the wording of law.²⁹ The Presidential Human Rights Council reviewed the draft law and found 17 such loopholes.³⁰

Perhaps epitomizing this issue is the fact that the newly employed term “police” is never defined. The renaming of the militia as the police is one of the most discussed accomplishments of the law, yet even this major component of the legislation is not clearly discussed.³¹ There is a significant difference between the two bodies that goes unremarked upon in the law. Unlike a Soviet-model militia, a Western-style police force has no judicial function; to highlight this distinction, and ensure that it be carried through the text of the law, legal scholars felt strongly that a full definition of the term “police”, concisely delimiting its powers,

²⁸ Article 12.I.37 of Federal Law FZ-3 of 7 February 2010. Ilya Pitalev, “Law on Police poses risk of increased corruption- expert report,” RT.com/RIA Novosti, July 7, 2011, accessed November 27, 2011, <http://rt.com/politics/law-police-risk-report/>

²⁹ Anna Kerova, “Do Police Want Reform?” HRO.org Rights in Russia, September 15, 2010, accessed November 23, 2011, <http://hro.rightsinrussia.info/archive/police/do-the-police-want-reform>

³⁰ Pitalev, “Law on Police”

³¹ Kerova, “Do Police”

would have been a valuable inclusion, particularly given the general lack of awareness of police theory in Russia.³²

Other articles rely excessively on additional legislation, both extant and not yet drafted, leaving areas of activity by law enforcement officers unregulated or vaguely defined. For example, Article 26 notes that special ranks of commanding staff of police are appointed for life, but that “a police officer may be deprived of his special rank in the procedure established by a federal law,” without specifying which federal law, or if a federal law detailing such a procedure currently exists. Insofar as this law can be understood as a comprehensive handbook of police duties, rights, restrictions and general procedures, it would seem highly relevant to include the procedure by which an officer of special rank could lose his status. Particularly as this law is in part designed to address corruption in the police force, it would be instructive to incorporate a list of behaviors, including corrupt practices, that would be viewed as sufficiently severe violations to deprive a special commanding officer of his rank.

Financing

Perhaps the most significant structural change the new bill affects the financing of the police force. Under the former legislation, militia branches were funded jointly by the federal budget and local budgets. Under the new law, the police force will be supported wholly by the federal budget. This provision was designed to enhance the independence of local police forces by isolating them from the influence of local authorities, who formerly controlled their budgets, and of wealthy local businessmen, thereby disrupting local and regional networks of corruption.

While reducing the negative impact of local influence, the use of federal funding correspondingly limits the extent to which local police forces can tailor their policies to the needs of the communities in which they work. Local, regional control of the police force was only fully established in 2000, during the restructuring of the Russian Federation. The formalization of local control over the police, specifically through budgetary control, was regarded as progress toward reorienting policing around the needs of the local community, rather than the needs of the Kremlin, and weakening the military-like hierarchy of the police force.³³ New legislation aborts this process. The shift to fully federal funding introduces a degree of centralization not even attained by the Soviet militia, where some local resources were contributed to

³² Leonid Golovko, “Change which is not Change,” Russian Law Online, accessed November 29, 2011, <http://www.russianlawonline.com/police-reform-russia-golovko>

³³ Uildriks and van Reenen, *Policing*, 50.

federal financing. By disintegrating local police forces from the communities in which they work and live, and repositioning them as an arm of increasingly consolidated federal power, the new budgetary arrangement contributes to solidification of a police power vertical. Centralization necessarily results in placing lower priority on the specific needs of the local community and placing a higher priority on the federal hierarchy, which has the power to set goals, as well as the punitive power to deny funding if those goals are not met. As Elena Andreeva of Russian Law Online has written,

The public's suspicion of a national, unified law enforcement force is based on the risk of political abuse. When police are answerable only to central government they are perceived to be - and quite commonly act as - a political instrument.³⁴

How exactly this new political instrument will be used remains to be seen. In theory the possibility exists that this measure could in fact decrease corruption, increase police independence, lead to more standardized practices, in line with the respect for human and civil rights specified in the new law, and result in a higher standard of police activity. It could, however, continue to erode respect for the law enforcement and lead to an ever-more powerful network of bribery and corruption. Moreover, as the federal budget is less likely to be attuned to local policy needs, it may actually open the door for an increase in local corruption, as police officers seek to fill financing gaps or feel increasingly less accountable to the local population.

In spite of the federal funding for general operations of the police forces, the law provides no funds to implement the required reforms. After the required staff reductions, the Interior Ministry will need to update the uniforms, badges and identity cards of approximately 1.2 million employees. It will also need to replace signage on every police vehicle and building to reflect the agency-wide name change; this process alone was estimated at 500 million rubles in Autumn 2010. At that time, cost estimates by the Interior Ministry for the transition were in the realm of a few hundred million rubles. By February 2011, experts at the newspaper RBC estimated the cost at 10 billion rubles.³⁵ The demands of the law exceeded the funding of the Interior Ministry, forcing Interior Minister Rashid Nurgaliyev to approach the Ministry of Finance for additional resources.³⁶ It is likely that the Interior Ministry will resort to issuing fines and increasing penalties to generate the necessary funds, which would infringe on the independence of law enforcement, as penalties would be based in economic need rather than the demands public safety.

³⁴ Elena Andreeva, "Riding the Tiger," Russian Law Online, September 2, 2010 accessed November 29, 2011, <http://www.russianlawonline.com/content/tiger>

³⁵ "Денег на создание полиции не хватает, признали в МВД. Проблему решат за счет россиян," NEWSru.com, February 7, 2011, accessed November 27, 2011, <http://www.newsru.com/russia/07feb2011/nomoney.html>

³⁶ *Ibid.*

The potentially huge overall cost of the name change, wide range of cost estimates and lack of dedicated funding all open the door for problematic procurement agreements. Considering that corruption in government procurement, in the form of kickbacks, rigged bidding and shell companies, is a widely known problem, and that one of the ostensible purposes of this law is to diminish corruption, it would have made sense to include sufficient but limited funding for the name change process, or to provide some other kinds of restrictions on the contracts.

Staffing Review

One of the most trumpeted measures put forth by Medvedev for police reform was the review and reduction of the law enforcement staff. This series of laws was ostensibly intended to eliminate the most unfit or corrupt police officers, and incentivize those remaining to stop taking bribes by providing them with a living wage. The target for reductions was set at 20%. “On the Police” required that all law enforcement officers be subject to an off-schedule evaluation, possibly resulting in dismissal or demotion, and that those remaining in the police force or Interior Ministry receive significant raises of as much as 450%, increased pension and housing subsidies. Legislation approved in July 2010 also included regulations on staffing, which were later invalidated by the passage of “On the Police”.

The evaluation—also called a re-certification process—was designed to assess officers’ fitness for service, in line with the new stipulations of the law, which prohibits from police service individuals who have criminal convictions, who have presented falsified documents to secure their employment, who are dependent on drugs or alcohol, who have health conditions that interfere with their duties, or who are over the age of 35. The process of evaluation and precise criteria for assessment were not made public. In the six months following the passage of the law, the re-certification process was carried out at all levels of the police force, resulting in the dismissal of approximately 220,000 officers 143 of 340 generals were removed from the Interior Ministry.³⁷ In all, 38 regions received new police chiefs.

Though the staff reductions were aimed at removing unfit, ineffective and corrupt officers from the police force, it is unclear if the procedure followed will create enduring change. Particularly troubling was the fact that the criteria for assessment were not specified in the law or anywhere in for public consideration. It is not known, for instance, if physical unfitness was weighted equally with corrupt

³⁷ Ludmila Alexandrova, “Russia Complete Major Police Reform,” ITAR-TASS, January 8, 2011, accessed November 28, 2011, <http://www.itar-tass.com/en/c39/196103.html>

behavior; it is therefore also unknown how those 220,000 officers were selected to lose their appointments. Of the 143 generals who left the Interior Ministry, official reports stated that only 21 of them failed the re-certification for reporting false income statements or other unspecified “discrediting reasons”; the remaining 122 departing generals voluntarily retired, for reasons of poor health or age approaching retirement. It is not known if any of them departed as a result of the discovery of corrupt behavior, though surely publicizing such a discovery might have gone a long way towards increasing public faith in the reform process and providing a lasting deterrent for police officers, particularly considering that the ostentatiously lavish lifestyles of police chiefs and other commanding officers, clearly beyond their salaries, constitutes the some of the most visible evidence of corruption.

The law does not include plans for such evaluations to be repeated on a regular basis, so rather than permanently altering their behavior, officers were able to pass the recertification by behaving properly for the few months during which they were under review. As one traffic police officer said in an interview with Bolshoi Gorod magazine,

from 1st March they’ve been reviewing everyone’s position in Head Office, so for now it’s safer to lay low and stay away from any trouble. Why would I risk a job that regularly feeds me extra for some 500 rubles or even for 10,000? If you fail the review you risk losing the job forever...We’ll catch up with what we’ve lost once the review is over.³⁸

Another officer at the Ministry of Internal Affairs explained his decision to suspend bribe-taking during the review period because it was a “once in a lifetime opportunity” to get a raise or a transfer, demonstrating that a one-time review can provide only a temporary deterrent.

Officers surviving the recertification can expect a major raise, as detailed in the legislation of July 2010³⁹, with some numbers cited as high as 450% increase on previous wages, and the general assumption that all salaries would be doubled. Pensions were to increase by 54%. The increased benefits are a much-needed measure, as the salaries of average officers are usually just a few hundred dollars a month, forcing low-level officers to make additional income, via bribery or protection services. Raising salaries and benefits across the board is intended to decrease the need to engage in these unlawful activities to supplement income. The increased salary might help attract to the police force individuals from Russia’s

³⁸ Andrei Gridasov, “A moral interlude: Russian Police Suspend Corruption,” openDemocracy.net/Bolshoi Gorod, April 1, 2011, accessed December 10, 2011, <http://www.opendemocracy.net/print/58785>

³⁹ “On Amendments to Certain Legislative Acts of the Russian Federation, No. 156-FZ of 22 July 2010

middle class, who might be better educated and more financially stable, and whose membership in the police force could help it better integrate with society at large.⁴⁰

In fact, the law “On the Police” does not prohibit officers from taking part in supplementary economic activities or require them to declare these activities and their assets, as is standard in Europe and North America. Reporting additional income would allow a police monitoring body to flag dubiously obtained wealth; legislation could be passed to trigger automatic review in such cases, thereby creating a mechanism for easily identifying seriously corrupt officers. Similar financial monitoring is commonly used to detect ill-gotten income in the private sector, and could be of much use in this instance, where officers can earn many times their income from bribes, racketeering, the sale of protection service, or other services that might interfere with an officer’s ability to fairly perform his duties. In the case of the officers whom Sergei Magnitsky accused of tax fraud, such a system could in theory have detected their theft of \$230 million; private investigators were able to find proof that the officers, with salaries between \$6,000 and \$10,000 a year, were living far beyond their means, with expensive condos and fleets of luxury cars.⁴¹ “On the Police” merely prohibits officers from engaging in actions “that can cause doubt as to their impartiality or compromise the authority of the police.”⁴² Neither the forbidden actions nor a mechanism for enforcement are specified.

Immediate funding as well as long-term financing for this reform was not included in the legislation, despite the fact that by the time the Duma was assessing these amendments in July, the Interior Ministry was already struggling to find sufficient funds to complete the name change from militia to police. Critics of the legislation as well as law enforcement officers themselves remain doubtful that this necessary change will be realized.⁴³ The general staffing reduction would not free up sufficient funding to account for the salary increase promised to those officers who come into contact with the general public.

However, as Boris Zolotukhin has noted, “It is silly to talk about increasing the salaries of police officers when they receive such huge bribes,” which will always outpace salary increases.⁴⁴ Law enforcement officers will always be in a position of power to solicit bribes and are deeply invested,

⁴⁰ “We Must Not Allow a Mockery to be Made of Police Reform!,” HRO.org Rights in Russia, December 25, 2011, accessed December 3, 2011, <http://hro.rightsinrusia.info/archive/police/police-reform>

⁴¹ *The Torture and Murder of Sergei Magnitsky and the Cover Up by the Russian Government*. <http://russian-untouchables.com/eng/cover-up-presentation/> (2011)

⁴² Article 7, Federal Law FZ-3 of 7 February 2010

⁴³ Grisadov, “A moral interlude”

⁴⁴ “Society & Law Enforcement: An Attempt at Dialogue in the Context of Reform”, HRO.org Rights in Russia, May 17, 2010, accessed December 3, 2011, <http://hro.rightsinrusia.info/archive/police/police-reform>

oftentimes personally as well as institutionally, in the established practices of corruption. Bribery is not merely limited to extorting a few hundred dollars from individuals seeking to avoid arrest or even detaining individuals on false charges to solicit a considerable fee. Aleksei Dymovsky, a police officer from Novorossiysk, has come forward with accounts of how patrolling officers demand bribes to account for their low salaries, then at the end of each day, must hand over \$25-100 to a senior member of the department, facing sanctions—both professional and social—if they do not pay.⁴⁵ Bribery is an institutionalized norm, not an exceptional, sporadic occurrence, into which officers are introduced on their first day of work.⁴⁶ It occurs internally as well as externally. Dymovsky's observations demonstrate how corruption is a culture into which officers are inculcated; it is unlikely that a bump in salary will do much to upset that widespread acculturation.

Demonstrating the enmeshment of law enforcement hierarchy and corruption is the notion that promotions within the police force could be purchased persisted throughout the reform process. An officer of the Interior Ministry noted that the recertification period was an opportune time for internal bribe-taking, and that the position of manager would cost \$10,000-\$20,000, depending on the starting rank.⁴⁷ He indicated that such a bribe was a good investment: "I think it's quite affordable. Not least because you'll eventually recoup your outlay. In recent years the costs of bribes in the MVD varied from \$50,000 to a few million."⁴⁸ This officer's and Dymovsky's comments highlight the vertical reach of bribery. As officers rise through the ranks by contributing their bribes to superior officers and by purchasing new positions, they become more invested in accepting bribes of their own, out of a feeling of entitlement and to capitalize on their investment. As a result, bribe-taking penetrates every level of law enforcement activities. As officers amass wealth and power through this type of corruption, they become dependent on it to maintain and improve their position. Further, because virtually all officers are in violation of laws against bribery and corruption, they also have a shared interest in limiting the impact of legal reforms, investigations or other initiatives that would reveal these practices, resulting in the loss of their positions. Thus, law enforcement officers have developed an existential interest in protecting their illegal behavior.

The experience of Dymovsky dramatically demonstrates the insular, preservationist culture of corruption in law enforcement. In fall 2009, as Medvedev was announcing his new initiative to reform the

⁴⁵ Clifford J. Levy, "Videos Rouse Russian Anger Toward Police," *The New York Times*, July 27, 2010, accessed December 12, 2011, <http://www.nytimes.com/2010/07/28/world/europe/28russia.html?pagewanted=all>

⁴⁶ *Ibid.*

⁴⁷ Grisadov, "A moral interlude"

⁴⁸ *Ibid.*

police, Dymovsky posted two videos online decrying the rampant corruption in his local police force. Dymovsky addresses Putin and Medvedev, as well as police officers at large, explaining that he felt outraged by widespread bribery, which he participated in, and had confronted his superior, who brushed his comments off and said that nothing could be done. When the videos were discovered, Dymovsky was immediately fired. His former peers attempted to plant drugs on him, interrogated and searched his friends and family, and ultimately arrested him for allegedly embezzling \$800 from his precinct. He was held for six weeks, then released and sued by the chief of the Novorossiysk police for slander and fined \$3,500. Despite the backlash, his videos were seen by millions, even inspiring other officers and indignant citizens to make their own. No investigation into Dymovsky's claims was ever launched, nor has the Internal Ministry responded with anything beyond flat denials of wrong-doing—even as Medvedev was publicly speaking about the unrestrained spread of corruption. This case demonstrates the pressure on law enforcement officers to conform to the system, which squeezes out or corrupts otherwise upstanding officers.

The role of legislation in perpetuating such systemic corruption is demonstrated by the passage of Federal Law FZ-156 of July 22, 2010. This temporary legislation included an amendment that was speculatively related to Dymovsky's videos and those who followed him. Described as an anti-whistleblower provision, the amendment prohibited public servants from discussing police work in the media. A working group of 14 Russian NGOs issued a public statement asserting that such a restriction was unconstitutional, violating the freedom of thought and speech guaranteed in Clause 3, Article 29, and Article 10 of the European Convention on Human Rights, which guarantees the freedom of opinion and the freedom to impart and receive information without interference by the authorities.⁴⁹ NGO Working Group on Police Reform specifically mentions that “the case law of the European Court of Human Rights recognizes as a violation instances where government officials are illegally fired for remarks they made in the media about the leadership and activities of their departments.”⁵⁰ This legislation was in effect until “On the Police” came into force.⁵¹

⁴⁹ “Statement by the NGO Working Group on Police Reform” July 29, 2010, accessed November 28, 2011, <http://hro.rightsinrussia.info/archive/police/reform>

⁵⁰ *Ibid.*

⁵¹ Several months later, on June 30, 2011, the Constitutional Court of the Russian Federation decided similar provisions prohibiting public servants, including police officers, from speaking critically in public of their organizations from being fired from their positions, if their statements are well-intentioned.

This July 2010 law included another problematic provision whereby “a personal guarantee by current officers of the Ministry of Internal Affairs” was a requirement for joining the police service.⁵² Thus, during the period before the reforms took effect, when the plan for increased salaries had already been announced, it was not possible to join the police force without a personal recommendation from a current employee. This requirement prioritized personal connections over professional skill. Under the looming recertification process, it allowed officers to populate their forces with like-minded individuals, inclined to support the system in place and unlikely to speak out against the people to whom they owe their jobs. Though in effect for only seven months, one must wonder why and how such questionable legislation was implemented pending the launch of a large-scale anti-corruption program.

Perhaps most significantly, this deep institutionalization of corruption works against the independent thinking and reasoned, informed decision-making that a democratic, modern police force demands. Officers fully incorporated into the system of bribe-taking and bribe-paying cannot make clear, legal judgments based on their training, expertise and assessment of the situation in which they find themselves. Focused on protecting the hierarchy in which they seek to rise, they make decisions based primarily on the accumulation of power and wealth. The search for profit-making opportunities leads to blackmail, false charges, false detention and the release of known criminals. Concern for the law comes secondarily, if at all.

Accountability

Considering the breadth and depth of corruption in the police force, coupled with the often imprecise wording of the legislation, it is of serious concern that the law “On the Police” provides few mechanisms for public oversight of the police in general and of the reform process in particular; instead monitoring is largely entrusted to the police itself.

Accountability to society, to the state and to each other is an essential for a democratic, rights-oriented police force. Violations must be detected, investigated and resolved in a just fashion, providing an affirmation of the legitimacy of law enforcement for the public and an instructive experience for law enforcement officers.⁵³ A proper system, or set of systems, of accountability essentially binds the police to the rule of law, as it obligates them to follow the legal standards and rejects the impunity of officers,

⁵² “Statement by the NGO Working Group”

⁵³ Uildriks and van Reenen, *Policing*, 4

emphasizing that they are equally subject to the law. Uildriks and Van Reenen have identified five major avenues of accountability for police forces in post-Soviet states, including: i) accountability within the criminal justice system, ii) accountability within the law enforcement system, via special investigation units and hearings, iii) automatic, legally mandated triggers for investigation of possible violations, such as the death or injury of a detainee, iv) disciplinary procedures for violating citizen's rights, and v) formal and informal accountability within law enforcement, by creating a culture and *modus operandi* that rewards respect for the rule of law and censures violations.⁵⁴

The law "On the Police" contains only vague language on officer accountability, and virtually no information on methods of accountability. Article 33 ("The Liability of a Police Officer") affirms that a police officer is accountable for his actions, shall be held accountable for "wrongful actions...as established by federal law," and may be compelled to pay compensation for said wrongful actions. The article does not offer a definition of "wrongful actions" nor of avenues for accountability. Article 53 allows for the actions or inaction of a police officer to be appealed against in court or to higher officials. These two articles encompass the extent of the language on individual accountability in the law. They fail to affirm the central role of accountability and insufficiently rebuke the traditional view that police are above the law. Stronger wording here could at very least have led to a broader awareness that police cannot and should not commit crimes without fear of repercussions.

Though it goes unmentioned in the law, there are governmental organizations that are designed to investigate violations by the police, including collusion with organized crime, the use of torture and violations of human rights; the Internal Security Department of the Ministry of Internal Affairs, the Procuracy and the Federal Service of Security (the FSB) all have jurisdiction to investigate violations by law enforcement officers. The fact that these three bodies are all responsible for investigating the same cases had led to a variety of problems. It can be unclear to which level of government a police officer might be accountable, as these bodies operate regionally and federally.⁵⁵ The system is redundant, as the Procuracy and Internal Security Department conduct investigations in essentially the same fashion; separate, parallel investigations are commonly launched into the same violation.⁵⁶ Meanwhile the Internal Security Department is also responsible for protecting and enhancing officers' rights—a potential conflict of interest. The profusion of accountability mechanisms likely reduces the gravity of any one mechanism. It

⁵⁴ Uildriks and van Reenen, *Policing*, 4-5

⁵⁵ Uildriks and van Reenen, *Policing*, 130

⁵⁶ Uildriks and van Reenen, *Policing*, 136

may be difficult for a citizen to submit a complaint to the proper body within the proper timeframe, as each organization has several avenues for submitting complaints, each with its own set of deadlines and in some cases the process of internal review is entirely unknown.⁵⁷ “On the Police” does nothing to clarify or streamline these procedural challenges, bypassing an opportunity to strengthen accountability of the police force, instead using vague language to refer to a profusion of legislation and procedural protocols that do not empower citizens to speak out about violations.

Just as individual officers must be held accountable for their actions, so must the overall police force be held responsible for their behavior, via publicly available information reports on violations, investigations and repercussions. Lack of transparency and communication among the three aforementioned organizations, and between the organizations and the public, have led to a dearth of available data on their accountability activities and on officer compliance.⁵⁸ As a result, there is no way of monitoring accountability methods, the rate of violations of individual officers, what types of violations are being committed, and what the outcomes are. Without strong measures for oversight and monitoring, neither the public nor the state can be sure that progress is being made toward reform. “On the Police” does nothing to correct this problem; this omission not only denies the public a key form of oversight on the reforms, essentially trusting the police to act in good faith to monitor their own progress.

Beyond accountability for violations, “On the Police” contains weak provisions for transparency as regards regular police action, calling into question the degree to which public, media and legal organizations can assess police behavior. Article 8.3 asserts that police will inform the government and public about its activities, but the frequency (“at least once a year”) and content of these reports will be defined by the Ministry of Internal Affairs; no required content is specified. In view of the decades-long practice of manipulating crime statistics to present the police force and crime rate in a more positive light, it may have been beneficial to stipulate the involvement of external observers and analysts, and to require reports issued at certain intervals, with required content. Article 8 in general reserves the right to withhold information from the mass media and citizens based on limitations set out in unnamed federal legislation; thus, whatever latitude the police force is allowed in publicizing information is not known and cannot be monitored, allowing the possibility for abuse.

⁵⁷ Uildriks and van Reenen, *Policing*, 144

⁵⁸ Uildriks and van Reenen, *Policing*, 137

Though transparency is low, the public institutions empowered to exert “public control” of police behavior and monitoring of observance of citizens’ rights have limited capacity to act on their discoveries. Article 50 grants the Public Chamber, public councils of law enforcement agencies and a public monitoring committee the right to exercise “public control” over the police, but the nature of this control is not specified, nor are the organizations endowed with investigative or punitive powers. Further, while it is commendable that provisions for safeguarding citizens’ rights are included and that a variety of organizations are involved in oversight of the police, the organizations selected are not open to public participation. No procedure for public involvement is included in the legislation, thereby “forcing citizens and the public to act exclusively, and indirectly, through the approved structures. This is contrary to the principles of transparency and openness declared by the bill.”⁵⁹ It is possible that this trio of organization will not, in fact, represent citizens’ interests but instead constitute a barrier to their engagement with the conversation on law enforcement.

It is also unclear how the organizations exercising public control are meant to work with organizations representing judicial control and state control (described in Articles 51 and 49, respectively), or how they are meant to engage with the Procuracy, which provides “supervision” (Article 52). How this constellation of oversight, control and supervision bodies is meant to align into a comprehensive system for monitoring and regulating the police force is not clarified. Natalia Taubina of A Public Verdict has emphasized that monitoring by committee is often ineffective:

There are many other ways to monitor the police, as international experience shows. For example, parliamentary committees or ombudsmen, police complaints commissions, telephone hotlines for everyone who wants to report abuse by the police, 'open days' and volunteering work at police stations. However, by including a specific list of organizations that are empowered to control the police, the law cancels any attempts to develop the public control institution.⁶⁰

By focusing exclusively on closed organizations, the law precludes other public groups from developing stronger, more democratic oversight practices.

Despite the obstacles created for public control over the police, the bill states that “public opinion is one of the basic criteria of official assessment of the activities of the police”.⁶¹ The evaluation of public opinion is entrusted to a branch of the Ministry of Internal Affairs, which will also monitor interactions

⁵⁹ “The Bill ‘On the Police’ is a Step Backward in the Reform of the Ministry of Internal Affairs,” HRO.org Rights in Russia, September 1, 2010, accessed November 28, 2011, <http://hro.rightsinrussia.info/archive/police/bill>

⁶⁰ Svetlana Kononova, “Policing the State: The New Police Law Will Not Work Without Public Control, Experts Say,” Russia Profile.org, February 14, 2011, accessed December 9, 2011, <http://russiaprofile.org/politics/32674.html>

⁶¹ Article 9.6 of Federal Law FZ-3 of 7 February 2010

with civil society organizations. Prioritizing public opinion is consonant with the project of law enforcement legitimation; yet again the provisions of the amendment undercut this language. Allowing the Ministry of Internal Affairs—of which the police is a part—to conduct unobserved the monitoring of the most important metric for evaluating the success of the reforms is essentially allowing the police to monitor themselves.⁶² While the police force must take a lead role in analyzing and acting on the data obtained in public opinion assessments, “the process of gathering data should be as decentralized as possible,” using a wide array of information gathered by a variety of institutions to ensure the widest representation possible.⁶³

In addition to problems with carrying out the public opinion assessment, the NGO Working Group on Police Reform has cast doubts on the very validity of public opinion evaluation.⁶⁴ As the criteria and methods by which the public is meant to evaluate the police are not specified, it is unknown if the survey results will be informative or if the public will even be able to provide fair assessment. Because no clear objective for reform was ever announced, the public may have little understanding of what kind of progress they are evaluating. Further, perceptions of interactions with the police vary greatly by socio-economic class, among other factors. For example, individuals with monetary resources tend to have a negative bias toward police reform as they are accustomed to solving their problems with bribery; those with fewer resources have a positive reform bias, because, as Boris Dubin of the Levada Center has observed “they have nothing else they can rely on”.⁶⁵ Moreover, if the public is not included in the discussion of police goals and agendas, they will struggle to evaluate progress on these counts.⁶⁶

The Russian police force is an insular, largely criminal order; to entrust it with the implementation and monitoring of this reform program is almost certainly guarantee that no meaningful progress will be made. Safely situated in a position of power and wealth, “no police force in the world seeks to change itself,” as Anneke Osse of Amnesty International has observed.⁶⁷ Without strong measures for oversight and

⁶² “The Bill ‘On the Police’”

⁶³ “Memorandum of the Working Group of Human Rights Organizations on the Progress of Police Reform,” *A Public Verdict*, October 18, 2010, accessed November 28, 2011, <http://eng.publicverdict.ru/topics/library/7388.html>

⁶⁴ “The Bill ‘On the Police’”

⁶⁵ “Society and Law Enforcement”

⁶⁶ “The Bill ‘On the Police’”

⁶⁷ Vera Vasileva, “MVD: Radical Reform or Cosmetic Repair?” HRO.org Rights in Russia, March 22, 2010, accessed November 28, 2011, <http://hro.rightsinruissia.info/archive/police>

monitoring, drawing from a broad social base including civil society, legal organizations and media outlets, police reform is likely to find little success.⁶⁸

Conclusion

Though police reform is acutely required in Russia, “On the Police” ultimately falls short in achieving real change. Couched in the rhetoric of rule of law but avoiding truly effective or innovative measures enhancing legitimacy and accountability, it does little—if anything at all—to alter the corruption-producing machine that law enforcement has become. It might be that legislation is not the appropriate avenue to resolve the many issues the police force faces. Reorienting institutional culture around democratic, rule of law ideals might be better accomplished by implementing on-going, practice-oriented programs to increase professionalism, including trainings, regular evaluations and community outreach.⁶⁹ Altering the cultural norms associated with law enforcement is a slow, often disheartening process, but with broad-based, independent efforts, not an impossible one.

Police reform will always fail, however, if the will to accomplish it does not exist. Police reform cuts to the heart of power structures in Russia, and it sometimes seems that Medvedev’s actions contradict his enthusiastic position on reform. If Medvedev wants police reform to be taken seriously, he should pursue non-legislative avenues. An optimal starting place would be a public trial for those responsible for the wrongful imprisonment and death of Sergei Magnitsky.

Magnitsky, a tax attorney, was arrested in November 2009 on trumped-up charges following his investigation and testimony that accused two police officers and a tax official of perpetrating a massive tax fraud in which they stole \$230 million from the Russian government; the officers he had accused were the same ones who later arrested him. In prison, he was held in increasingly deplorable conditions, denied visits from his family and ultimately medical treatment.⁷⁰ Rife with human rights violations apparently engineered by law enforcement and prison officials to put pressure on Magnitsky, the case attracted international attention, launching an investigation from the UN and international sanctions, as well as

⁶⁸ *Ibid.*

⁶⁹ “The Bill ‘On the Police’”

⁷⁰ Ellen Barry, “After Russian Death, Inquiry Doors Open and Shut” *The New York Times*, December 22, 2011, accessed December 13, 2011,

<http://www.nytimes.com/2010/12/23/world/europe/23magnitsky.html?ref=abovethelaw&pagewanted=all>

domestic outrage from the rising middle class.⁷¹ Magnitsky died on November 16, 2009, just over a month before Medvedev announced the police reform agenda.

The period during which the law was drafted and reviewed roughly corresponds to the investigative period following Magnitsky's death. During this time a cover-up apparently extended through the Ministry of Internal Affairs that involved the heads of the major investigative committees, the Interior Ministry General, the chairwoman of the Moscow City Courts, the head of the Federal Penitentiary Service, the Minister of Justice and the General Prosecutor, even the Head of the Interior Ministry, Rashid Nurgaliev, an major supporter of Medvedev's reforms.⁷² Following public outcry, a new oversight commission was authorized to investigate Magnitsky's death, but their report was never acted upon.⁷³ In Fall 2010, when "On the Police" was being reviewed by the public online and debated in the Duma, the investigators who imprisoned Magnitsky were given special awards and promoted to higher ranks.⁷⁴ On the anniversary of his death in November, the Internal Ministry announced that Magnitsky, not the officers he accused, had stolen the \$230 million.⁷⁵

Those at fault for Magnitsky's death have never been brought to justice, despite the fact that the case made headlines during the period "On the Police" was under review, highlighting the glaring issues with law enforcement that the bill was trying to address. The case provided an ideal opportunity to make an example of officers involved in corruption, demonstrating on a public stage that human rights violations, violence and criminality will not be tolerated in the Internal Ministry. Involving society and law enforcement in such a debate would surely have strengthened faith in police reform, and could have even led to a more fully articulated plan for reforms. Though surely controversial, bringing all—or at least a few— of the guilty parties to justice in a public fashion would likely do more to reduce corruption and increase public confidence in the police than anemic legislation.

⁷¹ Philip Aldrick, (21 January 2011). "UN Opens Investigation into Magnitsky's Torture Claims". The Telegraph, January 21, 2011, accessed December 13, 2011, <http://www.telegraph.co.uk/finance/newsbysector/banksandfinance/8272605/UN-opens-investigation-into-Magnitsky-torture-claims.html>. Barry, "After Russian Death".

⁷² For a comprehensive overview of the cover-up, see *The Torture and Murder of Sergei Magnitsky and the Cover Up by the Russian Government*. <http://russian-untouchables.com/eng/cover-up-presentation/> (2011)

⁷³ Barry, "After Russian Death"

⁷⁴ "В Следственном комитете при МВД России награждены отличившиеся сотрудники," MVD.ru, November 7, 2010, accessed December 13, 2011, http://www.mvd.ru/news/show_77869/

⁷⁵ Barry, "After Russian Death"

As it stands, outlook for “On the Police” is uninspiring. The size of bribes continues to grow, and as of August 2011, some 57% of Russians felt the law will have “no effect” on the activities of the police.⁷⁶ Given the weak wording and paltry provisions for accountability, financing and coherent staffing reform, they have little reason to feel otherwise.

⁷⁶ Interfax, “Average Bribe Grows to About \$10,000 in Russia – Police” August 10, 2011, accessed December 14, 2011, <http://www.cdi.org/russia/johnson/russia-average-bribe-grows-340.cfm>. RIA Novosti, “Russians 'doubt' reforms will change police for better – poll,” August 16, 2011, accessed December 14, 2011, <http://www.cdi.org/russia/johnson/russia-russians-doubt-police-reform-353.cfm>