

The European Code of Police Ethics and Community Police

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Abstract: Democratic states are organized in order to guarantee individual freedoms and security of the citizens; the police perform the traditional functions of fighting, preventing and detecting crime, ensuring public order, respect for law and public order and protecting the fundamental rights of the individual, but also various social services, that support other activities. In the police activity there must respected the rights and freedoms of individual and avoid any arbitrary or unlawful reactions. Lately European countries have emphasized the reorganization process of the police in order to promote and strengthen the democratic values. An important step was the adoption of the **European Code of Police Ethics** aiming at implementing Community rules in the European Union and achieving greater unity between its members and building cooperation capacities in the fight against crime. Code of ethics and the deontology of the police officer, approved by G. D. no. 991/2005, are based on the principles of the European Code of Police Ethics.

Keywords: state; democracy; police; ethics; European Code of Police Ethics

Modern societies and their police are basically organized as a double principle: the division of labor and cooperation. People are busy with a large number of specialized activities. If everyday life is based on common rules of conduct people, at the same time, need to know and to move even if they are exercising their profession and duties. This is reflected by the fact that work involves particular aspects of human behavior that reveal the ethical dilemmas that people face constantly and they need to solve, due to their profession.

The word "ethical" can have several meanings, the most accepted is the one defined by Aristotle. It is about critical discipline that seeks daily conduct and ethical beliefs. In the case of people working in public services, the word "ethics" refers to that set of values, principles and demands, that enable the regulation of exercising a profession. It is important to note that "ethics", taken in this regard is

an attempt to adapt the everyday ethics to the needs and dilemmas of a public structure.

Citizens of democratic countries have organized states in the way of ensuring full freedom regarding obeying the law. Even criminal justice systems have been developed to ensure individual freedoms and security. In democratic societies governed by the principle of legality, the police perform the traditional functions of fighting, preventing and detecting crime, ensuring public order, respect for law and public order and protecting the fundamental rights of the individual. Moreover, in these societies, the police provide various social services that support other activities. To lead these missions successfully, it has a large capacity for initiative. The police of the European countries contribute to maintaining the values of democracy and even they, as institutions, are based on these values. In general, the public accepts and even approves legal exercise of police authority, if it is perceived as carrying out its tasks ethically acceptable and they have valid and democratic objectives. When these conditions are fulfilled, the police are entitled to expect the public to trust them and to offer help and support in exercising their functions. This conception regarding the police exercise of attributions in democratic states is the focus of the Council of Europe's vision.

It is sufficient to reflect on the role of police in a real democracy, in order to determine the need and relevance of a code of conduct and ethics for police. Even if a police code of ethics is only the first step in this whole process, which tends to apply common rules in the business of police, in its absence, such a process has little chance of success. Designing the foundations of ethics rules, a code of police deontology shall be entitled to help identify ethical issues, allowing a greater capacity for understanding, a deeper analysis and a settlement without effort. It encourages, moreover, mooting problems on principles, norms, means and methods that police use, both in terms of organizing its activity and on their correct application.

The fundamental concepts for police such as loyalty, impartiality, discretion and professionalism can only benefit of the common approach, in terms of understanding the meaning and thus of understanding that a code may allow. It may also help to formulate personal rules of conduct, based on a sense of pride of belonging to police structures. This aspect is especially important for young employees who need to know thoroughly the fundamental values before to organize and carry out their activities. Such a statement points out the importance

of codes in training new staff officers. In the absence of such objective references in terms of norms and values, the task of training staff is more difficult. The origin and authority of rules must be explained and defended, risking that they remain local and represent a single trainer, adding that a police code of ethics is valuable to all levels of training.

Police services must be supported in their action, even if they are approved and in close cooperation with the public. For the latter, it is important that the attribution, in which it was invested considerable authority and capacity for initiative, to be completed in a responsible manner. Therefore, the public needs assurances. A code of police ethics, benefitting of a wide publicity, reflecting the norms, objectives and values of police, may help strengthen public confidence and improve its relations and cooperation with police.

Lately European countries have emphasized the reorganization process of the police in order to promote and strengthen the democratic values. This approach also has the role of implementing common rules in police matters across national borders, for creating a true community police, able to meet internal security requirements and building cooperation capacity in fighting transnational crime.

"Policy Statement" adopted by the Council of Europe Parliamentary Assembly in 1979 marked a first attempt at establishing ethical standards for police forces at European level. It was, in many Member States, a source of inspiration for seeking answers to questions on policy options.

Starting in 1989, Central and Eastern Europe has seen movement, which led the Council of Europe to considerably intensify its activities regarding the police. Within programs that support legal reform and public administration reform - including police - a large number of activities (seminars, information sessions and dissemination of legal expertise) were deployed around the theme of "Police Ethics".

The adoption of the **European Code of Police Ethics** is an important step in promoting the principles of the Council of Europe regarding the police in the member states. The stipulations of the code are in line with the Council of Europe objective, which aims at achieving greater unity between its members. European Code of Police Ethics may also be a mechanism for regulating the internal organization of the police. This is one of the remarkable features of the European Code of Police Ethics. In defining at least the rules, values and ethical framework,

it may perform a regulatory function, thus maintaining a quality control of the police personnel (including the civilian civilians), facilitating the act of exercising control, management and supervision by delegating responsibility to the staff of the structure and by developing rules to regulate the delicate internal conflicts.

Regarding the possible impact on police practice, the European Code of Police Ethics recommends that the best practice for law enforcement and it is a specific version of the principles of everyday conduct, inspired by common sense. Police aim is to accomplish two distinct tasks, but united at the same time, namely: ensuring the appliance of fundamental laws of the state - providing a general state of public peace and the common task of strictly limiting to its conferred powers, refraining from any arbitrarily act and respecting individual rights and freedoms of citizens.

Respecting the state law does not imply only the preoccupation for what it was done, but for the manner in which it was done. In exercising police attributions there must be respected human rights and freedoms and retain any arbitrary or illegal reaction. This is a fundamental principle for the state law and hence for the meaning and objective of police mission in democracy. State law requires, above all, that all who make, interpret and apply the law should obey this law. In other words, police should depend on the laws that they apply. According to that it is recognized the police of a state truly democratic: it is governed by the law, even if they are committed to defend it. Police role in protecting and ensuring the supremacy of the law is so important that often the status of a democracy can be judged by observing the behavior of the police.

For a most accurate control on how the law is respected by the police, the Council of Europe has created independent bodies: the International Center of Sociological and Penitentiary Research and Studies (Intercenter Messina), Permanent Control Committee of the Police Forces (Comité P.) etc. Permanent Control Committee of the Police Forces operates since 04/01/1999 and it has a supervisory body outside the police activity, which directly reports to the European Parliament.

The police are a fundamental component of democratic society, in protecting human rights and ensuring their performance under the Universal Declaration of Human Rights. European Code of Police Ethics is based on fundamental principles of real democracy, aimed at providing a set of principles and guidelines for the objectives, attributions and police control in democratic societies where the state law is obeyed and it is influenced to a large extend by the European Convention on

Human Rights. The Code searches to specify specific recommendations and to define the police needs and appropriate measures for enabling them to lead the difficult task of fighting, preventing and detecting crime, of ensuring legality and order in a democratic society.

The stipulations of the European Code of Police Ethics are the basis of a specific framework for training and promoting a adequate training culture, in order to improve the quality of police services, to protect people and police officers, ensuring this way the balance between rights of individuals, interests of public authorities, rights and obligations of institution's personnel. In the past twenty years there have been major changes in Romania concerning police activity, particularly enhanced by joining the European Union and by the need to align with the European treaties and conventions of the same domain, including meeting the Schengen accession criteria.

Police service, community service is conducted for: law enforcement, protection of rights and freedoms of individuals, of public and private property, prevention, detection and fighting anti-social acts and deeds, ensuring public order and security, assistance and services to the population according to the current legal depositions. Police service is achieved in the interest of the community, of the people and also of state institutions, in accordance with the applicable national and international law.

The code of police ethics and deontology, approved by G. D. no. 991/2005, is based on the principles of the European Code of Police Ethics thus achieving uniformity of police activity as required by the European Union, which Romania joined in 2007. The appearance of Code of Ethics and deontology of the police officer along with Law of Organization and Functioning of the Romanian Police, supplement the police officer status and future organization and operation law of community police, the legal framework that regulates the official's activity with special status - the police officer, setting rules and conduct that must be obeyed in order to create a new image of the Police, aligning at the European Community requirements, creating new, modern institutions, that would meet modern citizens' needs.

The Deontological Code sets out rules of conduct that the police officer must obey in order to exercise its professional duties and any person is entitled to claim it in its relations with the police. The Code aims to highlight the perspective of recommendation for applying the principles and rules of conduct that are based on

both "common sense" and "good practices" recorded in the activity of the workers that carry out public order and safety activities and ethical consequences of some legal depositions applicable to police work. Deontological arguments in police work are increasingly sought in the current context of rallying to EU standards by allocating them an increased responsibility and importance. The whole civilized world, academic research, university studies and professional practice are increasingly focusing on ethical issues.

The scientific approach of ethics, morality and deontology concepts requires tackling complex issues such as impartiality and non-discrimination - mandatory requirements of the police service, fidelity, loyalty and integrity - fundamental moral values of police conduct, the place and role of the discipline and of order in police work, deviant behavior etc. With this theme, it is envisaged the fact that the rules of professional conduct in police duties should be followed, in cooperating with other state institutions and in relation to different categories of persons with whom they come in contact with, the formative-educational nature of it, the dissemination of cases, in case of breach of conduct rules in exercising the professional attributions by certain police officers and also the analysis and awareness of the legal consequences for those involved in such cases.

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