

INTERIOR AFFAIRS OFFICERS' ETHICAL CODES AND THEIR IMPLEMENTATION

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Annotation. Based on comparative analysis of ethical codes of institutions of Interior Affairs System (IAS), the article strives to identify a consolidation of professional values in organizations of interior service and evaluate efficiency of mechanism of implementation of ethical codes that were created by the system by forming ethical behaviour of officers inside the service and behind it.

The conclusion was done in the article that ethical codes of IAS are striving to create a creative and benevolent work environment, to prevent corruption, to coordinate a relationship between managers and subordinates and interrelationship using rules of the codes. Indicated principles that should be followed by officers in their activity are conforming general principles of state officials' ethics. However infrastructure of ethics and mechanism of implementation of ethical codes does not create favourable conditions for officers' ethical behaviour training.

Keywords: ethical code, officers' behaviour, ethical behaviour, infrastructure of ethics.

INTRODUCTION

There is a constant search for decisions how to improve legal regulation of officers' activity in order to create assumptions to reach an efficiency, in other words, practical behaviour is being elaborated, procedures of behaviour and activity instructions (algorithms) are being determined. Undoubtedly it is necessary, however in the institution there has to be a clearly settled policy of values (provisions that determine behaviour), which makes a ground for all regulation of behaviour. Therefore deontology became a tool of state service administration, and ethics became an anchorage of management.¹ Ethical codes of Interior Affairs System (further – IAS) as well as legal acts, are assessing the values the staff should follow. A person who soaked up these values considers them as his/her inner provisions that determine, influence his/her behaviour and are reflected in practical activity.

¹ Laurinavičius A., Tarnybinė teisė ir naujoji valstybės tarnybų (institucijų) valdymo paradigma : monografija // Vilnius: MRU Leidybos centras, 2010. p. 269.

Statistical data on statutory state officials fired due to their fault show that most of them were fired for indignity of officer's name, mixing of public and private interests, corruptive faults and other activities related to inappropriate behaviour. Media still shows reports on improper and unethical behaviour of officers. These circumstances suppose a presumption for the statement that the importance of upbringing of public spirit based on the principles of common human moral in statutory services is still under perceived and left at discretion of individuals.

The **goal** of the study – to reveal what value provisions are consolidated in the ethical codes of institutions of IAS and what requirements of ethical behaviour are being raised to the officers of these organizations. On this **purpose**, the article uses a comparative analysis **method** to examine ethical codes of institutions of IAS and mechanisms of their implementation.

The article examines ethical codes of the institutions composing the system of interior affairs: Police, State fire and rescue service (SFRS), Financial crime investigation service (FCIS), State border guard service (SBGS), VIP protection department (VPD), Public security service (PSS).

While performing analysis of ethical codes of institutions of IAS the research of J. Palidaukaitė was used as a sample in which the author used methods of content study and comparison to analyze ethical codes of public sector.² Ethical codes of IAS are being analyzed in the following aspects: their name, goals, content, values or principles determined in these codes, ethical issues discussed in their content, and mechanism of codes' implementation. These codes were compared with the provisions established in the state officials' behaviour rules.

STRUCTURE AND CONTENT OF ETHICAL CODES OF OFFICERS OF IAS

The main ethical principles of state service and a requirement for state officials to follow the rules of official ethics that are established in *the article 3 of the Law of state service* (article 15) and “*Ethical rules of state officials' activity*” established by the act of the Government³ are obligatory to all state officials without any exceptions. Besides these legal

²Palidaukaitė J. Lietuvos viešojo sektoriaus etikos kodeksai ir jų tobulinimo galimybės // Viešojo politika ir administravimas, 2010, Nr. 31, p. 21-34.

³Valstybės tarnautojų veiklos etikos taisyklės Patvirtinta: LR Vyriausybės 2002-06-24 nutarimu Nr. 968.

acts, since 2009 all institutions of IAS (FCIS⁴, Police⁵, SFRS⁶) have valid ethical codes or corresponding ethical rules (VPD⁷ and PSS⁸), and SBGS has corresponding „rules of officers behaviour “⁹ (further these documents are called as codes). Thus, while talking about ethical aspects of statutory officials’ activity, it should be highlighted that the same ethical requirements are being applied to the officers of IAS as well as to all state officials of Lithuanian Republic plus additional requirements foreseen in their services.

Codes of institutions of IAS differ in particular formal features, for example, the earliest codes (in 2004) were enacted by the institutions of Police, FCIS and VPD, and the latest (in 2009) – by SFRS; by volume the most laconic is the code of PSS, and the hugest volume is of the codes of FCIS and SFRS (*see Table 1*).

Table 1. Status, volume and inner structure of codes

Document	Year	Volume: number of pages and words	Number of sections (articles)
Ethical code of police officers	2004	4 (1259)	7 sections (17)
Ethical rules of officers of SBGS	2006	3 (797)	7 sections (16)
Ethical code of officers of SFRS	2009	5 (1328)	6 sections (12)
Ethical rules of officers of SS	2007	2 (685)	5 sections (12)
Official ethical code of officials of FCIS	2004	4 (1 523)	6 sections (18)
Ethical rules of VPD	2004	3 (1005)	6 sections (16)

Source: created by the author in accordance with ethical codes of institutions of IAS

Status of all codes is equal – a implementing act confirmed by the order of institution’s manager. However in additional regulations of these orders there could be envisaged some peculiarities of institutions’ managers’ attitude towards implementation of ethical codes. For

⁴ Finansinių nusikaltimų tyrimo tarnybos prie Vidaus reikalų ministerijos tarnautojų tarnybinės etikos kodeksas, patvirtintas finansinių nusikaltimų tyrimo tarnybos prie Vidaus reikalų ministerijos direktoriaus 2004 m. gegužės 10 d. įsakymu Nr. 34V: Žin., 2004.05.14, Nr.: 80- 2858.

⁵ Lietuvos policijos pareigūnų etikos kodeksas, patvirtintas Lietuvos policijos generalinio komisaro 2004 m. liepos 16 d. įsakymu Nr. V-347: Žin.: 2004-07-22 Nr.113-4257.

⁶ Valstybinės priešgaisrinės gelbėjimo tarnybos pareigūnų etikos kodeksas, patvirtintas Priešgaisrinės apsaugos ir gelbėjimo departamento direktoriaus 2009 m. balandžio 2 d. įsakymu Nr. 1-101: Žin., 2012-09-19 Nr.108-5508.

⁷ Vadovybės apsaugos departamento prie Vidaus reikalų ministerijos etikos taisyklės, patvirtintos Vadovybės apsaugos departamento prie Vidaus reikalų ministerijos direktoriaus 2004 m. birželio 1 d. įsakymu Nr. 1V-109: Žin., 2004.06.08, Nr.: 90- 3340.

⁸ Viešojo saugumo tarnybos prie Vidaus reikalų ministerijos pareigūnų etikos taisyklės, patvirtintos Viešojo saugumo tarnybos prie Vidaus reikalų ministerijos vado 2007 m. birželio 12 d. įsakymu Nr. 1V-104.

⁹ Valstybės sienos apsaugos tarnybos prie Lietuvos Respublikos vidaus reikalų ministerijos pareigūnų elgesio taisyklės, patvirtintos Valstybės sienos apsaugos tarnybos prie Lietuvos Respublikos vidaus reikalų ministerijos vado 2006 m. kovo 31 d. įsakymu Nr. 4-228: Žin., 2006-04-11 Nr.40-1450.

example, in the code of VPD there are no additional regulations of the manager, while in other institutions managers are prescribed to present their subordinates with code's provisions. The most strict control of implementation is foreseen for the managers of police institutions (they are ordered to react principally to violations of norms of ethical code of Lithuanian police officers), in the order of the manager of SFRS there is a commitment for the managers of institutions to establish ethical commissions, and the manager of SBGS delegates control of implementation to his/her deputy.

While comparing the codes of IAS to corresponding documents of non-statutory services of public sector, it was noticed that they are shorter by volume and more laconic (Table 2). In the codes of IAS there is not foreseen an obligation to sign a document stating that the officer shall act according to the provisions of the code., for example, in the ethical codes of Customs and State Tax Inspectorate. Personally signed commitment to follow ethical norms is being treated as the way to stimulate more responsible officer's attitude towards the following of ethical norms or at least to be more carefully acquainted with the code's norms during the signing.

Goals, tasks and structure of codes. The main purpose of IAS codes is to describe ethical principles of officers and regulate behaviour of employees. In these documents, as well as in many other ethical codes of public sector, goals and tasks are formulated using verbs with positive nuances such as *consolidate, increase, ensure, improve* and others. Also there are used verbs describing officers' activity such as *control, regulate, prevent* and others. Selection of corresponding words in formulations of code's goals and tasks may inspire officers for activity differently; therefore it is purposeful to assess this psychological aspect properly during preparation of texts of documents. Selected formulations allow envisaging some differences in values of IAS institutions: some of them are orienting towards internal environment of the institution (*increase efficiency of a service, improve its quality and so on*), others are directing towards external relationship (*form institution's positive image and so on*). It should be noted that only in the purpose of the code of FCIS there is a control function highlighted. Comparative analysis of the purpose and goals of IAS codes shows these documents strive to regulate officers' behaviour and activity not only during service time, but also out of service. Requirements for officers' behaviour behind service time in the codes of SBGA and Police are distinguished to separate part; in other codes of IAS these requirements are presented in a common context.

Purpose and goals of implementation of ethical codes of institutions are not identical (Table 2). The goal of Police code is exceptional, and raises officer's moral role in society and strives to grant and form moral values. In the goals of other institutions' codes there are the favourable work environment based on respect, trust and authority is highlighted in public. FCIS, SFRS and SBGS codes raise a prevention goal — the application of ethical codes there is aimed at corruption prevention, however particular means and ways for implementation of these goals are not presented.

Summarizing it could be stated that purpose and goals of ethical codes of statutory services differs little from those of other institutions of public sector. However it should be noted that some goals or activity directions in IAS institutions were not mentioned at all. For example, statutory codes do not raise valuable goals typical for public sector such as development of democratic government, improvement of administration quality, conflict prevention and other.

Table 2. Purpose, goals and tasks of codes

Purpose, goals and tasks of codes	FCIS	Police	VPD	SFRS	SBGS	PSS
Describe behaviour rules / ethical principles /	x	X	x	x	x	x
Consolidate employees authority / reputation	x	x	x	x		x
Increase public's trust in employees		x	x		x	x
Regulate / develop personal relationship (develop respect to associates and other persons)	x	x	x	x	x	x
Ensure proper work environment	x		x	x	x	x
Prevent the appearance and spreading of corruption	x			x	x	
Stimulate responsibility and accountability activity for personal conduct		x				
Implement constitutional principle of state institutions' service to people		x				
Control / regulate behaviour	x					
Grant moral landmarks		x				
Improve quality of public administration						
Form positive image of institution		x				
Underlying revelation of the values of institution's activities	x	x				
Coordinate officers' private and public interests						
Develop democratic government						
Increase efficiency of service and improve its quality						
Strive for high standards of employees' professional activity						
Help prevent conflicts						

Source: created by the authors in accordance with ethical codes of institutions of IAS

The structure of IAS officers' ethical codes is similar enough: in all documents contain general and concluding provisions as well as chapters describing common requirements of behaviour, rules on the behaviour in service, employees' inter-relationship, requirements to leading officers. Introduction chapters (general provisions) indicate code's purpose, goals and sources of creation (there are no sources in the codes of SBGS and PSS). The sources that were mentioned most often are: *Constitution of Lithuanian Republic, the Law on state service, the Law on public administration, the Law on coordination of public and private interests in state service, the Statute* and specific, i.e. designed for single institution, legal acts, for example, the laws on *Police activity, Financial crimes investigation service, Fire safety, VIP protection* and others. It should be noted that the list of sources mentioned in the codes is not final: all documents include the phrase „and on other legal acts“. International legal acts are mentioned only in the ethical code of Police — there is a grounding on recommendation REC-10 accepted by the EC Council of Ministers „Regarding the European police ethical code“ (2001), resolution 690 of the Parliamentary Assembly of the European Council (1979) „Regarding declaration about police“. Only in the codes of SBGA and PSS there are no references to sources of documents. Explanations of concepts are presented in the codes of SFRS, VPD and FCIS. In the codes of VPD and FCIS there are described public and private interests and their conflict, concepts of officer's (employee's) offence and slander.

Principles and values: consolidation of governing policy in the codes. Ethical principles consolidated in the codes of IAS are named in following terms: *principles of professional (official's) activity* (Police, FCIS), *principles of activity and behaviour* (SBGS), *ethical principles* (SFRS). The codes of Police, SFRS and SBGS name the same ethical principles as the ones named in the *Law of state service* article 3: *respect to person and state, justice, self-neglect, propriety, equity, responsibility, publicity, exemplary behaviour*.¹⁰ Besides these 8 principles, FCIS names a principle of „*collegiality*“. It should be noted that in the codes of PSS and VPD these principles are not listed separately but they could be only envisaged in the requirements and regulations of behaviour. The codes of FCIS and SFRS are trying to describe a content of the principles — principles are not only being named but also explained by indicating how officer must behave (procedures of behaviour).

¹⁰LR Valstybės tarnybos įstatymas, 1999 m. liepos 8 d. Nr. VIII-1316, Įstatymas skelbtas: Žin., 1999, Nr. [66-2130](#).

Ethical requirements applied to managers presented in the codes are consolidating not only values but also are a management policy under formation. Requirements to managers are not excluded into a separate section only in the codes of VPD and PSS, however they are mentioned in the section „Interrelationship of officers“. Summarizing it could be stated that managing officer of IAS must be characterized by the following features: *strictness, politeness, correctness, objectiveness, equity, justice and exemplary behaviour*. The following functions of managing person are found in all codes: to create working and friendly environment, prevent conflicts and eliminate their causes, distribute jobs efficiently, stimulate subordinates for expression of their opinion and listen to it, properly assess subordinates' work achievements and be an example. Much attention is given to communication of managing person with subordinates, there is a requirement for polite communication, notes should be given correctly, in public should not be expressed, stimulate and listen to opinion of subordinates, to be demanding to himself/herself and subordinates. Besides the mentioned values, in the codes of FCIS [14.8. p.], Police [12.9. p.], SFRS [11.8. p.] a provision which states, that managing persons should honour especially distinguished employees. It should be noted that requirement to avoid nepotism is named only in the code of SFRS [11.7 p.].

Values consolidated in the codes of IAS on which relationship between officers should be based on, differ in their volume and character (see Table 3). Summarizing the following important values of officers' interrelationship could be distinguished: respect (this value is indicated in 5 codes), discretion, trust, honesty, tolerance (4 codes). Principles of solidarity and politeness are consolidated in 3 codes, and requirement for non-tolerance of colleagues legal violations and values of mutual assistance and equality are found in 2 codes. The attention should be paid on the fact that values consolidated in the code of PSS (*discipline, punctuality, patience, subordination, kindness*) are not mentioned in other codes of IAS.

Based on the settled values and principles, in the codes of IAS there is a striving for determination of inter-relationship between managers and subordinates indicating that they have to be based on mutual respect, goodwill and active support [FCIS 12, SFRS 10.6. p.]. In the codes of SBGS and VPD there is an imperative consolidated to officers to behave with managers correctly and with respect, and perform their legal orders [SBGS 12, VPD 11 p.]. In the code we can find the rules oriented towards particular behaviour, for example, „if officer notices manager's mistake, he/she should inform the manager about it with tact “ [Police 11, VPD 11, PSS 7 p.], „if the order is illegal and forcing a subordinate to violate the laws or

ethical codes, the subordinate should not perform it and inform the leader [FCIS 13, SFRS 10.7. p.].

Table 3. Values on which relationship in IAS are based

Values on which relationship in IAS are based on	FCIS	Police	VPD	SFRS	SBGS	PSS
Fairness		x	x	x	x	
Trust	x	x	x		x	
Mutual assistance		x			x	
Tolerance		x	x	x	x	
Discretion	x	x	x		x	
Kindness						x
Subordination						x
Equality		x		x		
Politeness	x			x		x
Respect	x	x		x	x	x
Solidarity	x	x				x
Intolerance to legal violations of colleagues		x		x		
Patience						x
Punctuality						x
Discipline						x

Source: created by the authors in accordance with ethical codes of institutions of IAS

Summarizing the values consolidated in the codes of IAS, it should be stated that IAS institutions are highlighting quite different values, raising unequal requirements for officers' behaviour. On the one side this could be explained by peculiarities of organizations' activity, however on the other side, declared different values and principles are disturbing determination of standards common to all officers of IAS. This may impede officers', who started working in other institutions, adaptation in the new collective.

The codes of IAS discuss the main problems of official ethics. In the codes of IAS following main problems of official ethics are distinguished: interests' conflict, process of decision making, influence on others, lie/trick/slander, employees' look/outfits, inappropriate officer's image, responsibility/sanctions, code's implementation, use of official information, behaviour in private life, abuse of in official position and other. Issues on gifts, services and hospitality as well as use of work time were highlighted only in the code of FCIS. Issues on relationship with media and political activity are discussed indirectly and in some codes only.

The conflicts of interests. This phenomenon as ethical problem is highlighted in all the codes of IAS. Referring to *the Law of coordination of public and private interests in state service*, documents usually present concepts of public and private interests and their conflicts and related restrictions. A common tendency of the most codes may be noted – these codes do not

explain conflict situations in more details and do not regulate officer's behaviour in more details than it is foreseen in the law. For example, the code of SFRS while explaining a principle of *decency*, as requiring not to accept gifts that may affect performance of official duty, does not reveal the concept of "gift" [6.4.1. p.]. Analogous restriction in the code of FCIS [6.4. p.] is presented with the clause that explains the difference between symbolic expression of signs of attention and respect and gifts — souvenirs and things with advertisement of activity of low value, flowers are not supposed to be inappropriate gifts the acceptance of which would damage institutions' reputation. It is supposed that more detailed explanation allows more objective assessment of particular behaviour of officers; therefore it could become a good example to other institutions of IAS. Good examples could be ethical codes of Lithuanian bank officials (LBT) and bank board (LBV), which describe *possible* and *supposed* conflict of interests [LBV 13 p.], reveal a concept of gift and its value [LBV 20 p.], highlight a problem of hospitality by indicating that „officials can accept invitations into entertainment related to service, cultural events or regales if this will not impose responsibility related to working activity“ [LBT 27 p.].¹¹ In the police code in order to consolidate priority of public interest and police prestige in regard to private interest there is a requirement „to tackle all conflicts arisen in order public interests would be protected“ [4.14. p.] and with approval of manager „not to perform the task if there is a conflict of interests or there are arguments that the circumstances of private character may damage prestige of the state and police“ [4.15. p.]. In all the codes of IAS there is a requirement to inform a direct manager about the presence of the conflict of public and private interests, and act pro rata (opt out or act in accordance to the order foreseen by the laws).

Acceptance of gifts is related to bribing, therefore in this sense, the conflict of interests is related to the *problem of corruption*. It is possible to state that ethical codes of IAS are do not pay enough attention to the problem of corruption. Only in the codes of SBGS and FCIS there is a goal foreseen „to prevent corruption“, however in the code of SBGS it is detailed by the requirement „to avoid behaviour that could be understood as a requirement for bribe, or to perform other action not related to official duty, and to inform a manager on the illegal influence under performance“ [6.7. p.], and the item 6.3 of the code of FCIS there is describes a risk of corruption appearance in case employee uses own position and requires

¹¹ Lietuvos Banko valdybos 2005 m. sausio 13 d. nutarimas Nr. 5 Dėl Lietuvos Banko tarnautojų etikos kodekso. (Su Lietuvos banko valdybos 2011 m. gegužės 19 d. nutarimo Nr. 03-95 pakeitimais)

help of other state officials in striving for own benefit or that of family, relatives or friends, and doubts arises regarding objectiveness and independence.

Influence and pressure on others. This ethical problem may be expressed in two aspects: pressure may be experienced by state officials or they may impose pressure themselves using their position and power.¹² These aspects are highlighted in many codes because the impact from outside may violate principles of *independence* and *honesty*, may determine the assessment of the officer, profession or institution (prestige issue). In the codes of IAS officers are required “not to give up to illegal influence of power and management institutions, officers, media, society and single citizens“ while being on duty [Police 4.12., SFRS 7.2., VPD 6.11. p.], and when they are not on duty, officers are required „not to abuse its position under appointment, not to use documents confirming the position under appointment and given authorizations in order to influence other persons to take a favourable decision “ [Police 14.2. and SBGS 14.2., SFRS 9.2. p.]. In most laconic form this ethical problem is described in the code of FCIS by requiring „to not overuse given power“ [6.2. p.] and official position in communication with associates and other persons [7.5 p.]. Requirement of *not overusing official position* is related to implementation of the principle of justice [FCIS 6.2., SFRS 6.2.2. p.]. To the issue of the non-abusiveness of power is related to the requirement to use service time efficiently and effectively and for service goals only [FCIS 6.2., SFRS 6.2.3. p.]. Summarizing it could be stated that the obligation not to abuse the position is highlighted in all documents regulating state officials’ behaviour, but there is no particular description what activity should be avoided.

Process of decision making. The ethical rules on state officials’ activity there is highlight the importance of personal responsibility for own decisions.¹³ „Trying to answer the question how decisions have to be made, particular principles are being highlighted (equity, legitimacy, justice, objectiveness, equal treatment of all citizens, staying off official position and other), also there is a talking on influence of official information, possible personal and other interests.“¹⁴ In all the codes of IAS while taking decisions there is a requirement to coordinate public and personal interests, the officer is required „to be objective and have no

¹² Palidaukaitė J. Etika valstybės tarnyboje: vadybiniai aspektai. Habilitacijos procedūrai teikiamų mokslo darbų apžvalga. // Socialiniai mokslai, vadyba ir administravimas (03S) Kaunas 2008, p.4.

¹³ Lietuvos Respublikos Vyriausybės 2002 m. birželio 24 d. nutarimas Nr. 968 Dėl Valstybės tarnautojų veiklos etikos taisyklių patvirtinimo: Žin., 2006, Nr. 65-2656.

¹⁴ Palidaukaitė J. Lietuvos viešojo sektoriaus etikos kodeksai ir jų tobulinimo galimybės // Viešojo politika ir administravimas, 2010, Nr. 31, p. 21-34. p. 27.

prejudice “ [FCIS 6.5, SFRS 6.5.2. p.], „to be personally responsible for own decisions “ [FCIS 6.6., SFRS 6.6.1. p.], „to guarantee publicity of taken decisions and actions, to present motives of own decisions “ [FCIS 6.7, SFRS 6.7.1 p.], as well „to search for the best decision“ [FCIS 6.9., SFRS 6.8.8. p.]. In the code of SBGS there is a requirement for officers while adopting decisions “not to restrict and violate the rights and freedoms of other persons otherwise as foreseen in other legal acts“ [6.1 p.]. Provision of the code of SFRS „not to make promises of any decision beforehand“ [6.4.3 p.] is related to implementation of the principle of decency. In the codes of SBGS and Police there is a requirement to follow only settled legal acts [SBGS 6.9 p.] and persons’ advantages and merits [Police 4.19 p.] while taking decisions related to official activity — giving a position, determining of competitions’ winners, recommendations to award and other, and the code of SFRS additionally requires „to avoid nepotism“ [11.7 p.]. Therefore, this ethical issue is being discussed in all the codes properly enough.

The issues on *the use of official information* there are requirements consolidated in the ethical codes of IAS, except the codes of SBGS and PSS, to protect the information entrusted on duty (do not loose, do not publish, do not reveal and do not transfer to other persons unauthorized to know it). For example, in the code of FCIS this issue is regulated in separate section „Confidentiality“, which details that FCIS employees undertake a commitment that they will “not publish, not loose and not transfer official information” in written [FCIS 8 p.]. Also officers are forbidden “to use official information contained in form of magnetic medium for needs that are not related to official activity“ [FCIS 9 p.] as well there is a requirement to warranty „safety of documents and information presented in form of magnetic medium “ [FCIS 10 p.]. In the code of SFRS the use of official information is described though explanation of principles of publicity, unselfishness, responsibility and exemplary behaviour. The code of VPD there is entails a provision describing the particularity of the institution’s activity and an obligation “to protect the information obtained during performance of professional duty about private life, private trips and meetings of the persons under protection and their relatives“ [VPD 6.10 p.]. Summarizing it could be stated that the issue on ethical disposal of official information in the codes of IAS institutions is presented in accordance to specifics of particular service’s activity, work goals and methods, however not in all organizations it is detailed equally.

Lie/ slander/ trick. Ethical problems of this kind are related rather to officers' personal characteristics, education, and culture of communication. Besides, it needs to be acknowledged that this phenomenon is determined by peculiarities of institution's management, administration of officer's activity and organizations' climate. In the codes of IAS at different extent there is either a prohibition or requirement to restrain from such behaviour. It should be noted that only in the codes of FCIS and VPD there are presented concepts of slander and offence. In the codes of VPD and PSS there is an appeal in broad lines for values of inter-trust and goodwill and a requirement to avoid not only backbiting and slander but also personal offences, indignity, derogation of work and reputation as well as demonstration of negative emotions [VPD 9 p.]. In the codes of SBGS [8 p.] and Police [7 p.] this issue is detailed the most properly: besides common notes on honest behaviour there is a requirement for avoidance of public discussion of officer's character, his/her typical features, derogation of property, provocation of disagreement by using official or psychological advantages, harassment (in the code of SBGS – sexual, Police — direct or indirect harassment, which creates scary, hostile, disdainful or offensive environment). Laconic provision of the code of SFRS indicating officers „to avoid any forms of harassment: indignity, offense, derogation, backbiting and slander“ [10.4 p.], is related to the striving for inter-trust in team to prevail. It should be noted that a requirement of the Police code „to avoid telling lies *malignantly*“ [4.20 p.], is being assessed as suggestive and allows supposing that non-malignant lie could be tolerated. Thus, a value of non-lying in this code is not consolidated unambiguously.

Inappropriate image. Officer's image may be determined by separate actions, decisions, speech as well as inappropriate look (e.g., in sobering state), outfit, neglecting of ethical principles in service and another time. In many codes of public sector there is indication not to discredit the name of state official and institution by own behaviour and look on service and at leisure, to be an example to others, to follow universally accepted moral norms¹⁵. In the codes of IAS there is made an accent on potential damage of improper image, therefore there is a requirement to follow codes' provisions: necessity to follow universal norms of morality is being imparted, actualized a care about institution's and own reputation, and in the code of VPD there is consolidated a provision „to care about family and own health “[6.14 p.]. The issue on behaviour during non-service time is being detailed in separate section of the

¹⁵ Ten pat, p. 28-29.

codes of Police, SFRS and SBGS only. In the codes mentioned it is indicated how an officer should behave when falling into conflict situation or traffic accident. *Political aspects of activity* are mentioned only in the codes of VPD and Police by consolidating a prohibition for public expression of own political creed [Police 4.16 p., VPD 6.7 p.].

Training of competence and qualification is consolidated as a value in the code of IAS [4.6 p.]: „to raise qualification constantly, develop theoretical knowledge and skills of practical work“. In the code of VPD [7.4 p.] this requirement was extended with a necessity „to devote time for general and professional self-education“. In the codes of FCIS [6.9 p.] and SFRS [6.8.3 p.] implementation of exemplary behaviour requires constant development. In the code of SBGS [7 p.] this requirement is based on officers' cooperation in professional activity and sharing of knowledge. Police [4.25 p.] officers have a consolidated striving for “development of own speech and communication culture” in official activity, and in the code of SFRS [7.8 p.] this striving is extended by prohibition to use four-letter words.

The attention should be paid to the fact that there is no attention given in the codes of IAS to some ethical issues that usually are being discussed in the documents regulating ethical behaviour of public sector's institutions. For example, in the codes of IAS do not mention about limitations after resigning a duty, use of state property and unofficial activity (work elsewhere). Also a description of economical and proper disposal of public, official property is not consolidated. There is only a requirement for proper use of service time mentioned in the codes of FCIS and SFRS.

The amendment of the article 16¹ of *the Law on state service* that came into force in December 2008 consolidated the right of state officials for another job¹⁶; however prohibition to have another job remained valid in the Statute. IAS recommended solving this collision of legal acts by applying principle of subordination, i.e. allowing officers to work with reference to the rules of *the Law on state service* if this does not cause a conflict of officers' private and public interests.¹⁷ Without presence of legal rules or rules on behaviour clearly describing possible circumstances of interests conflict during additional job, the officers striving to use their right for additional jobs faced problems how to find common agreement with their

¹⁶ LR Valstybės tarnybos įstatymo pataisos [http://www3.lrs.lt/pls/inter3/oldsearch.preps2?a=332771&b=\[žiūrėta 2013-01-12\]](http://www3.lrs.lt/pls/inter3/oldsearch.preps2?a=332771&b=[žiūrėta 2013-01-12]).

¹⁷ Vidaus reikalų ministerijos 2009-03-23 raštas Nr. 1D-2166 Policijos departamentui prie VRM dėl statutinių valstybės tarnautojų leidimo dirbti kitą darbą.

managers about the possibility to have additional job in another workplace, therefore part of the officers had to protect these rights in court.¹⁸

Change of the Statute as law is a prerogative of Seimas; however after assessment of courts' clarification and institutions' practical experience, in this situation it is purposeful for IAS managers to append ethical codes with the theme "Unofficial activity (work elsewhere)" and thus describe personnel's policy solving the issues on additional employment.

MECHANISM OF IMPLEMENTATION OF ETHICAL CODES

Ethical codes of IAS are being confirmed by the orders of institutions' managers where additional prescriptions (there are no such prescriptions in the code of VPD) related to the implementation of these codes are presented (except the code of VPD). All the codes oblige managing persons to introduce code's provisions to their subordinates; however control of codes' implementation is foreseen differently. For example, managers of police institutions are ordered „to react principally to violations of Lithuanian police officers' ethical code rules“; in the code of SFRS managers of institutions are obliged to establish ethical commissions, which allows thinking that the role of control is assigned to these commissions; control of implementation of SBGS code is being delegated to the second in command.

Successful implementation of ethical codes is determined by formation of political interests' conflict and stimulation of officers' ethical behaviour as well as creation of appropriate ethical infrastructure in the institution or organization. During formation of this policy in the organization it is important to implement its separate processes properly and with responsibility: 1) to identify clearly the situations where conflicts are possible; 2) to determine the procedures that help recognizing, determining and solving the situations of interests' conflict; 3) to describe clearly what is expected from the officer is during the conflict situations. In opinion of many researchers, success of implementation of the mentioned policy in the organization is determined by application of appropriate means: creation of partnership with employees, determination of preventive means, review of risky

¹⁸ Nacionalinio pareigūnų profesinių sąjungų susivienijimo Teisės skyriaus teisininkė Simona Risovaitė, <http://www.pareigunai.lt/index.php?page=teisiniaiprocasai&id=65> [žiūrėta 2013-01-12].

situations, creation of appropriate monitoring system, creation of mechanism of reporting on violations, formation of organizational culture, employees' education and training and so on.¹⁹

In the institutions of IAS following elements of ethics infrastructure that help to implement ethical codes could be distinguished: ethical committees and commissions; „hot“ lines of phone, fax or e-mail intended to report on inappropriate behaviour of officers; ethical training; activity of single persons and organizations (e.g. trade-unions) in the area of ethics; complaints research system and so on.

At first sight infrastructure of ethics seems enough; however it should be noted that not all institutions of IAS have commissions (committees) that are assessing officials' behaviour. There are no such committees in VPD, SBGS and PSS; control of following of ethical rules in these institutions is prescribed to managing officers. The attention should be given to the fact that managers of VPD and PSS are given a freedom to choose how to react and assess a violation — there is no description which violations of the code should be considered as outrage, because only outrage or repeated violations may carry official inspection and official punishment. There is foreseen in the rules on behaviour of SBGS officers that their violation carries official responsibility, and control is given to direct managers of the officers. Therefore a conclusion should be made that there is no consistent attitude towards violations of official ethics in SBGS, VPD and PSS because it depends on the attitude of managing persons.

There are ethical commissions in Police, FCIS and SFRS. In FCIS there is Ethical commission of FCIS service officials' activity that has an jurisdiction to examine violations of official ethics of officials. In the case the commission ascertains that violation of ethical code includes violation of oath, law, official violation or behaviour dengrading official's name, it initiates a performance of official inspection. In institutions of SFRS there are ethical commissions, constitution of which is being confirmed by managers of institutions, and violations of official ethics are being assessed as possible official violations and they are being examined in the order prescribed by legal acts.

It should be noted that ethical commissions are in all institutions of Police, but in Vilnius county HQ there are two ethical commissions (one of them analyzes behaviour of higher rank officers only). Ethical commissions' work is based on public principles; members

¹⁹ Cooper T.L. (1990) The responsible administrator: an approach to ethics for the administrative role. San Francisco: Jossey-Bass Publishers.

of ethical commissions are being assigned by managers of police institutions²⁰. Article 15 of Police officers ethical code foresees that violation is being condemned and incurs moral and official responsibility by the decision of competent officers.

While assessing work of ethical commissions of IAS institutions it needs to be noted that work of all these commissions practically is limited to consideration and assessment of behaviour of particular officer. Unfortunately, these commissions are not performing preventive work, nor create mechanisms of conflicts management or similar. This shows that these institutions are performing a quite formal work that weakly affects improvement of organizational climate and formation of ethical behaviour.

Partially, officers' trade-unions are followers, stimulators of ethical decisions of different problems when they are reacting to the cases when officers are being discriminated, requirements of official responsibility are being applied unequally and other cases. Also they are paying attention into the problems related to officers' behaviour, raise questions regarding legitimacy of official inspections and penalties²¹.

While assessing a training of ethical behaviour of IAS officers, it should be highlighted that it is related rather to anticorruption education, introduction to appropriate legal rules, and legal responsibility for malfeasances. Usually such trainings are being organized once a year, and usually they are being lectured by officials of Special investigation service. In the case of striving for stimulation of behaviour, following principles of duty, respect of the rights of others, justice and others (philosophical), or while revealing the reasons of non ethical behaviour and teaching how to eliminate them (managerial), in practice, trainings of officers are not being performed. It is supposed that implementation of values through legal acts only has clear deprivations: such management of values stimulates coward non-incentive officer that follows only rules (legalism). Another deprivation is related to the content of laws: the laws are limited by reglamentation of particular behaviour and do not stimulate to strive for examples of higher behaviour.

There is no system of recording of ethical violations in IAS, also there are no provisions of publicizing these violations, and while giving a purse or deciding in promotion, usually a

²⁰ Pagal: Vyšniauskienė L., Pareigūnų etika skaičiams nepaklūsta // Lietuvos žinios 2008 m. gruodžio 3 d.

²¹ *Pavyzdžiai*: 1) Vilniaus miesto policijos darbuotojų profesinės sąjungos 2011-05-25 raštas LR VRM ir PD prie VRM dėl tarnybinio patikrinimo pagrįstumo ir teisėtumo Nr. 01-01-95.

2) Vyriausioji tarnybinės etikos komisija 2011 m. liepos 26 d. posėdyje nusprendė pradėti tyrimą pagal Lietuvos policijos profesinės sąjungos pateiktą pareiškimą dėl Šiaulių apskrities Vyriausiojo policijos komisariato viršininko Egidijaus Lapinsko galimo viešųjų ir privačių interesų pažeidimo.

number of malfeasances is being taken into account, and ethical violations are not being assessed.

Mentioned circumstances create assumptions for negligent attitude towards requirements of ethical codes and their implementation and incoherent application of sanctions for ethical violations.

CONCLUSIONS

Analysis and comparison of the codes of IAS institutions allow identification of personnel policy in aspect of deontology. By norms of ethical codes, institutions of IAS are striving for creation of creative and benevolent work environment, prevention of corruption. Much attention is given to manager's communication with subordinates, there is a requirement for polite communication, notes should be expressed correctly and so on, however less attention is given to officers' inter-communication. Principles indicated in the codes that should be followed by officers in their activity, are corresponding common ethical principles of state officials: respect to human and state, justice, self-neglect, propriety, impartiality, responsibility, publicity, exemplary behaviour.

Analysis of the codes of IAS institutions showed that different institutions highlight values different enough, raise different requirements to officers' behaviour. This is explained by specificity of institutions' activity; however, on the other hand, variety of valuable provisions disturbs determining of requirements for behaviour common to all officers of IAS.

Infrastructure of ethics that is created in institutions of IAS and the mechanism of ethical codes' implementation (formal work of ethical commissions oriented towards assessment of infringements but not prevention, inefficient system of officers training, lack of ethical infringements accountancy, et cetera) does not create favourable conditions for training of officers' ethical behaviour inside organization and outside.

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VIDAUS REIKALŲ SISTEMOS PAREIGŪNŲ ETIKOS KODEKSAI IR JŲ ĮGYVENDINIMAS

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S a n t r a u k a

Straipsnyje VRS institucijų etikos kodeksų lyginamosios analizės pagrindu, siekiama identifikuoti profesinių vertybių įtvirtinimą vidaus tarnybos organizacijose bei įvertinti jose sukurtų etikos kodeksų įgyvendinimo mechanizmo efektyvumą formuojant pareigūnų etišką elgesį tarnyboje ir už jos ribų.

Straipsnyje daroma išvada, kad VRS etikos kodeksuose siekiama sukurti kūrybingą ir geranorišką darbo aplinką, užkirsti kelią korupcijai, kodeksų normomis siekiama reguliuoti vadovų ir



pavaldinių santykius bei tarpusavio bendravimą. Nurodyti principai, kuriais pareigūnai turi vadovautis savo veikloje atitinka bendrus valstybės tarnautojų etikos principus. Tačiau etikos infrastruktūra bei etikos kodeksų įgyvendinimo mechanizmas nesudaro palankių sąlygų pareigūnų etiško elgesio lavinimui.

Pagrindinės sąvokos: etikos kodeksas, pareigūnų elgesys, etiškas elgesys, etikos infrastruktūra.

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