

Overview of the Federal Police

One Day Conference 25.10 2018

Eliminating fraud and preventing incompatibilities,
a safe way towards successful access to European funds



BUNDESPOLIZEI



1. overview of the Federal Police federal states



- 16 federal states (Bundesländer)
- every state has its own Police
- the federation has only special polices with specific tasks
 - Federal Police
 - Federal Crime Police Office
 - Costume Crime Police Office



1. overview of the Federal Police history and tasks

- 16. March 1951 Founding as Federal Border Guard
- 01. July 2005 renaming in Federal Police
- tasks according to legal basis Bundespolizeigesetz

§ 2
Border Police

§ 3
Railway Police

§§ 4, 4a
Aviation Security

§ 5
Protection of
Federal Constitutional
Bodys

§ 6
Naval Tasks

§ 7
Case of crisis
and defense

§ 8
Commitment in
foreign countries

§ 9
Support of other
administrations

§ 10
Support of
Federal Office
for the protection
of the constitution

§ 11
Support of a
federal state

§ 12
Prosecution of
crime

§ 13
Prosecution of
administrative
offence



1. overview of the Federal Police Equipment



- Vehicles
- Helicopters
- Ships / Naves
- K 9 (dogs)
- Chargers (horses)





1. overview of the Federal Police structure



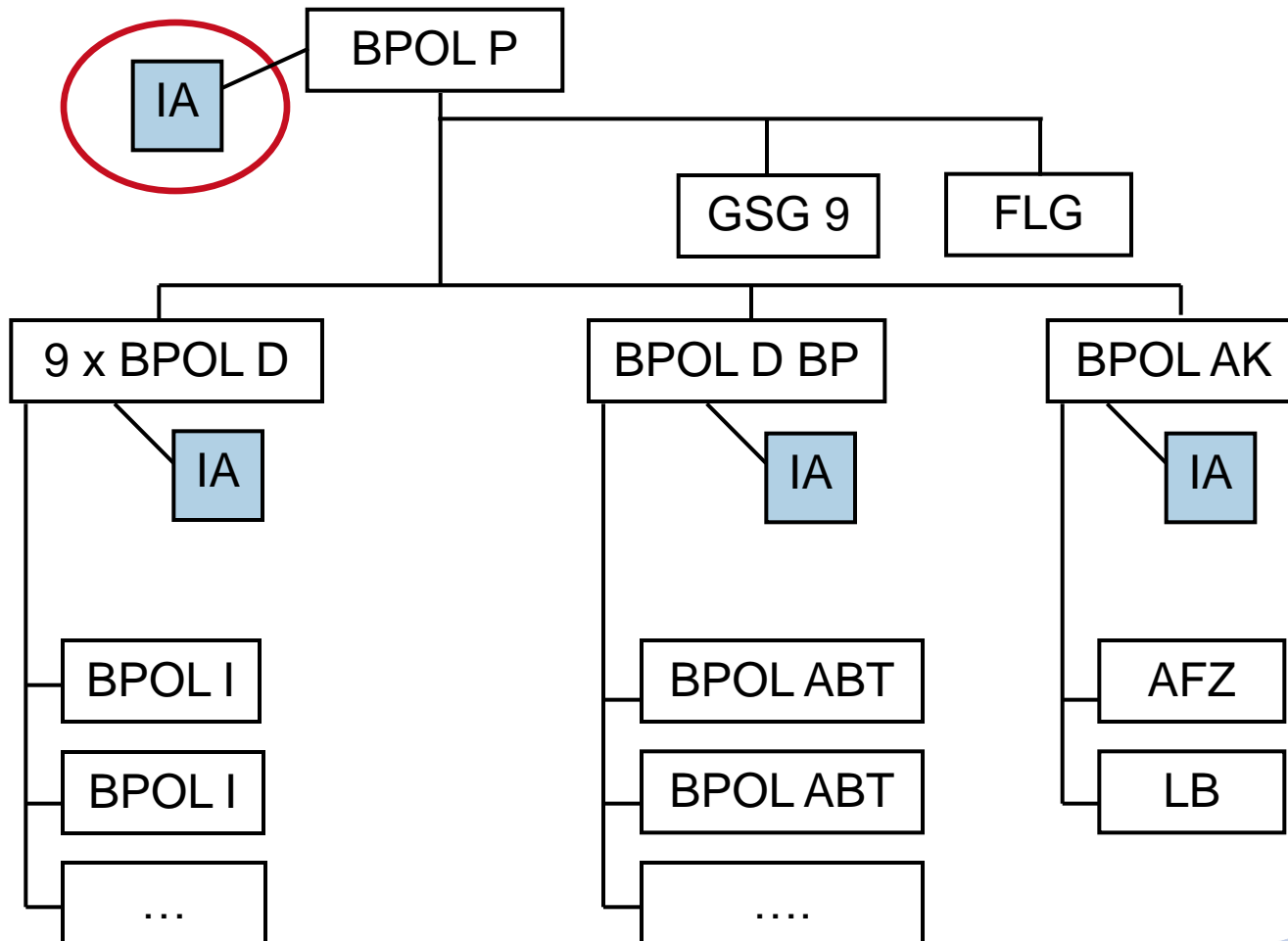
- round about 44.000 employees, thereof 32.000 Police officers
- Federal Police Headquarters in Potsdam
- Federal Police Academy in Lübeck
- 9 Federal Police Directorates
- Riot Police Directorate
- Police Directorate Special Forces

Internal Auditing in the Federal Police



BUNDESPOLIZEI

2. Internal Auditing in the Federal Police organization of Internal Auditing



centrally
executive
department

11 peripheral /
decentralized
executive
departments



2. Internal Auditing in the Federal Police personal situation

- 50 posts
 - 8 at centrally executive department
 - 42 at the peripheral executive departments
- police officers and administrative officers
- relation: 1 internal auditor per 820 employees



2. Internal Auditing in the Federal Police functional supervision / working basis

functional supervision

- Internal auditing group of the Federal Interior Ministry has to exercise the functional supervision
- centrally executive department exercises the functional supervision on the peripheral executive departments

working basis

- Internal Auditing Order for Federal Police (since January 2011)
- valid for the whole Federal Police
- regulates basic principle and the procedures for Internal Auditing
- it guarantees standard procedures and benchmarks



2. Internal Auditing in the Federal Police Task overview

Internal Auditing in Federal Police

Internal
Auditing

Prevention of
misconduct

Corruption
Prevention
and
Combating

Internal
Investiga-
tions



2. Internal Auditing in the Federal Police

a) Internal Auditing

Internal Auditing in Federal Police

Internal
Auditing

auditing of administration work

- **lawfulness**
compliance with all legislation
- **correctness**
compliance with internal regulations
- **convenience**
profitability requirements / efficiency



2. Internal Auditing in the Federal Police

a) Internal Auditing

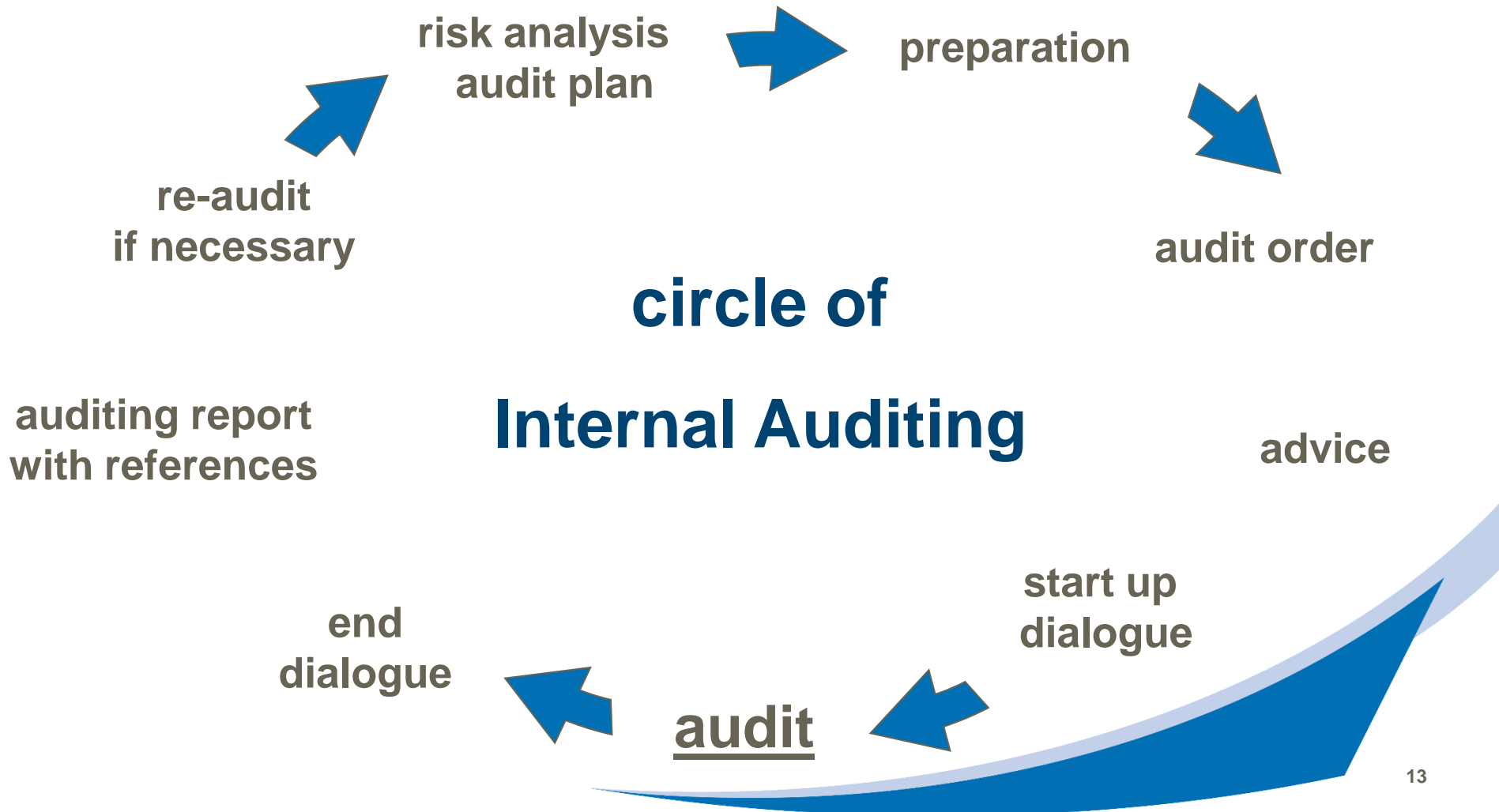
guidelines

- every part of the administration can be audited
- selection of auditing fields takes place by a risk analysis
- auditing of administration – not monitoring of employees
- transparent auditing – cooperating the audited department
- Internal Auditing is independent
- not authorized to give orders – gives references
- final decision every time arrives the headship



2. Internal Auditing in the Federal Police

a) Internal Auditing





2. Internal Auditing in the Federal Police

b) Prevention of misconduct

Internal Auditing in Federal Police

Prevention
of
misconduct

preventive actions and
informing to beware of

- misconduct / wrongdoing
- breach of law
- harm for individuals or for the Federal Police



2. Internal Auditing in the Federal Police

b) Prevention of misconduct

- prevention by detecting of potentially trouble spots and instruction of the employees
- the purpose is to avoid wrongdoing and breach of law, to prevent harm for individuals and the Federal Police
- part of the official welfare



2. Internal Auditing in the Federal Police

c) Corruption prevention and combating

Internal Auditing in Federal Police

- demand of general and special Corruption Prevention Measures
- support of implementing them
- putting them in action

Corruption
Prevention
and
Combating



2. Internal Auditing in the Federal Police

c) Corruption prevention and combating

- sensitization and indoctrination of employees
- monitoring of adherence / implementation of corruption prevention measures
- analyze and define the workplaces / positions with extraordinary corruptionally hazard (to this more later)
- organization of the cooperation and support of all contact persons for corruption prevention (to this more later)



2. Internal Auditing in the Federal Police

d) Internal Investigations

Internal Auditing in Federal Police

only in order by the headship of the authority

These are no disciplinary or criminal procedural investigations and no replacement for them.

Internal
Investi-
gations



2. Internal Auditing in the Federal Police

d) Internal Investigations

- only internal investigation of facts and circumstances
- in probable cause of a breach of discipline or of a criminal offence – referral to the appropriate authority
- evaluation of the results for using in prevention
- to select „black sheep's“

Punishability of corruption in Germany



BUNDESPOLIZEI



important legally binding legal instruments

Code to the Convention on combating
bribery of foreign public officials in
international business transactions
IntBestG

EU – Bribery Act
EU-BestG

German Crime Code
StGB

Income Tax Act
EStG

Law of federal executives
BBG

Administrative procedural law
VwVfG

Regulation of taxation
AO

General terms and conditions of the
government purchasing authority of
the Federal Ministry of the Interior
AGB des BeschA BMI



most important criminal offences for public administration and policy

Section 331 **Taking bribes**

- (1) A public official or a person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of an official duty shall be liable to imprisonment not exceeding three years or a fine.
- (2) A judge or arbitrator who demands, allows himself to be promised or accepts a benefit for himself or a third person in return for the fact that he performed or will in the future perform a judicial act shall be liable to imprisonment not exceeding five years or a fine. The attempt shall be punishable.
- (3) The offence shall not be punishable under subsection (1) above if the offender allows himself to be promised or accepts a benefit which he did not demand and the competent public authority, within the scope of its powers, either previously authorises the acceptance or the offender promptly makes a report to it and it authorises



most important criminal offences for public administration and policy

Section 332

Taking bribes meant as an incentive to violating ones official duties

- (1) A public official or person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform an official act and thereby violated or will violate his official duties shall be liable to imprisonment from six months to five years. In less serious cases the penalty shall be imprisonment not exceeding three years or a fine. The attempt shall be punishable.
- (2) A judge or an arbitrator, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform a judicial act and thereby violated or will violate his judicial duties shall be liable to imprisonment from one to ten years. In less serious cases the penalty shall be imprisonment from six months to five years.
- (3) If the offender demands, allows himself to be promised or accepts a benefit in return for a future act, subsections (1) and (2) above shall apply even if he has merely indicated to the other his willingness to
 1. violate his duties by the act; or
 2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.



most important criminal offences for public administration and policy

Section 333 Giving bribes

- (1) Whosoever offers, promises or grants a benefit to a public official, a person entrusted with special public service functions or a soldier in the Armed Forces for that person or a third person for the discharge of a duty shall be liable to imprisonment not exceeding three years or a fine.
- (2) Whosoever offers promises or grants a benefit to a judge or an arbitrator for that person or a third person in return for the fact that he performed or will in the future perform a judicial act shall be liable to imprisonment not exceeding five years or a fine.
- (3) The offence shall not be punishable under subsection (1) above if the competent public authority, within the scope of its powers, either previously authorises the acceptance of the benefit by the recipient or authorises it upon prompt report by the recipient.



most important criminal offences for public administration and policy

Section 334

Giving bribes as an incentive to the recipients violating his official duties

- (1) Whosoever offers, promises or grants a benefit to a public official, a person entrusted with special public service functions or a soldier of the Armed Forces for that person or a third person in return for the fact that he performed or will in the future perform an official act and thereby violated or will violate his official duties shall be liable to imprisonment from three months to five years. In less serious cases the penalty shall be imprisonment not exceeding two years or a fine.

- (2) Whosoever offers, promises or grants a benefit to a judge or an arbitrator for that person or a third person, in return for the fact that he
 1. performed a judicial act and thereby violated his judicial duties; or
 2. will in the future perform a judicial act and will thereby violate his judicial duties,shall be liable in cases under No 1 above to imprisonment from three months to five years, in cases under No 2 above to imprisonment from six months to five years. The attempt shall be punishable.

- (3) If the offender offers, promises or grants the benefit in return for a future act, then subsections (1) and (2) above shall apply even if he merely attempts to induce the other to
 1. violate his duties by the act; or
 2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.



most important criminal offences for public administration and policy

Section 335 Aggravated cases

(1) In especially serious cases

1. of an offence under

(a) Section 332 (1) 1st sentence, also in conjunction with (3); and

(b) Section 334 (1) 1st sentence and (2), each also in conjunction with (3),

the penalty shall be imprisonment from one to ten years and

2. of an offence under section 332 (2), also in conjunction with (3),
the penalty shall be imprisonment of not less than two years.

(2) An especially serious case within the meaning of subsection (1) above typically occurs when

1. the offence relates to a major benefit;

2. the offender continuously accepts benefits demanded in return for the fact that he will perform an official act in the future; or

3. the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences.

Strategy of corruption prevention and combating of the Federal Government and execution in Federal Police



BUNDESPOLIZEI



Attitude of the Federal Government

Corruption prevention and combating at the federal level

Corruption is a global scourge. It's misconduct, which is about the thousands of years in different political systems to record more or less marked out in different guises. A democratic state can not tolerate corruption. Accordingly, it is an ongoing task to devote himself to combat it. Because corruption caused considerable economic damage, hinders fair competition and undermines confidence in the integrity and functioning of public administration. Therefore we need to address the corruption and its harmful effects through the means of prevention and punishment.

The public administration is an area that can expect the citizens to a particular measure, that everything is done to prevent corrupt behavior or does not develop in the first. Especially the public employees have integer bound by law and justice, selfless act, accountable and transparent. This is true even in the face of their special status and their payment by the taxpayers and citizens inside. Therefore, corrupt member of the public service act serious consequences. Because of the harsh consequences, it also commands the fiduciary duty of the employer, the members of the public service a good tools to indicate the hand so that they can easily tell where the line between permissible and not permissible for runs when they are exceeded.



basic standards for federal administration

Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration

Federal Ministry of the Interior

**Federal Government Directive
Concerning the Prevention of Corruption
in the Federal Administration**

of 30 July 2004

The following Directive is enacted pursuant to Article 86, first sentence, of the Basic Law.

1 Scope

1.1 The Directive applies to the measures taken by all federal agencies for the prevention of corruption; the supreme federal authorities, the authorities of the direct and indirect federal administration, the federal courts and federal special funds are all considered to be federal agencies. The Directive also applies to the armed forces, the Federal Ministry of Defence is responsible for setting the details.

1.2 This Directive also applies correspondingly to legal entities under public or civil law which are wholly owned by the Federal Republic of Germany.

1.3 Any special features related to the organization or tasks of individual agencies shall be taken into account.

2 Identifying and analysing areas of activity especially vulnerable to corruption

In all federal agencies, measures to identify areas of activity which are especially vulnerable to corruption shall be carried out at regular intervals and as warranted by circumstances.

The use of risk analyses shall be considered for this purpose. The results of the risk analysis shall be used to determine any changes in organization, procedures or personnel assignments.

3 Transparency and the principle of greater scrutiny

3.1 The principle of greater scrutiny (ensuring that a number of staff members or organizational units take part in or are responsible for checking operations) shall be observed particularly in areas of activity which are especially vulnerable to corruption. If this is not possible due to legal provisions or insurmountable practical difficulties, then random checks or other measures for preventing corruption (e.g. more intensive administrative and task-related supervision) may be used instead.

3.2 Transparency of decisions and the decision-making process shall be guaranteed (e.g. via the clear delegation of responsibility, mechanisms for reporting, IT-supported oversight of operations, precise and complete documentation of proceedings).

4 Personnel

4.1 Staff members for areas of activity especially vulnerable to corruption shall be selected with particular care.

4.2 The length of staff assignments in areas especially vulnerable to corruption shall in principle be limited, as a rule, it should not exceed a period of five years. If an assignment must be extended beyond this period, the reasons shall be recorded for the file.

5 Contact person for corruption prevention

5.1 A contact person for corruption prevention shall be appointed based on the tasks and size of the agency. One contact person may be responsible for more than one agency. Contact persons may be charged with the following tasks:

- a) serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons;
- b) advising agency management;
- c) keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations);
- d) assisting with training;
- e) monitoring and assessing any indications of corruption;
- f) helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.

5.2 If the contact person becomes aware of facts leading to reasonable suspicion that a corruption offence has been committed, he or she shall inform the agency management and make recommendations on conducting an internal investigation, on taking measures to prevent concealment and on informing the law enforcement authorities. The agency management shall take the necessary steps to deal with the matter.

5.3 Contact persons shall not be delegated any authority to carry out disciplinary measures; they shall not lead investigations in disciplinary proceedings for corruption cases.

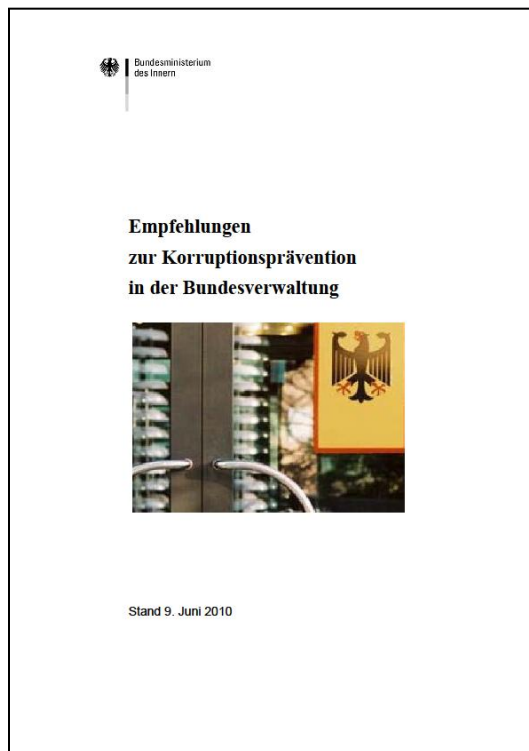
5.4 Agencies shall provide contact persons promptly and comprehensively with the information needed to perform their duties, particularly with regard to incidents of suspected corruption.

- basic standards for measures of corruption prevention in the Federal Administration
- areas of activity especially vulnerable to corruption
- transparency and the principle of greater scrutiny
- contact person for corruption prevention
- staff awareness and education
- basic and advanced training
- Conscientious administrative and task-related supervision
- notification and action in case of suspected corruption
- Guidelines for awarding contracts
- Anti-corruption clause
- sponsoring



basic standards for federal administration

Recommendations for Corruption Prevention in Federal Administration



- recommendations are a help for execution of the directive and and the elaboration of the anti corruption measures
- the Ministry of Interior decreed:
The recommendations are mandatory for Federal Police.
Federal Police has to put the recommendations into practice.



Execution in Federal Police

areas of activity especially vulnerable to corruption

- for every position in Federal Police checked and noticed, if the tasks at this position vulnerable, not vulnerable or especially vulnerable to corruption
- next steps:
 - analysis of the positions which are especially vulnerable to corruption
 - evaluation, if anti-corruption measures are sufficient
 - if necessary, initiation of further measures
 - rotation of positions or tasks



Execution in Federal Police

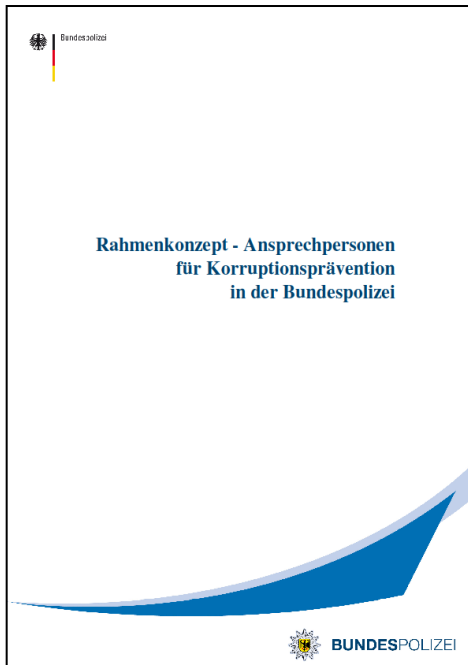
Transparency and the principle of greater scrutiny

- no officer concludes a initiated process from single, especially measures of procurement, budgeting etc.
- mutual control of several officers involved
- Arrangements for co-signing
- using of IT-workflows, wich allow one of the processing steps only after the fulfillment of defined conditions



Execution in Federal Police

Contact Person for corruption prevention



- tasks according to Nr. 5 of the directive
- Federal Police Headquarters acquired a conception for contact persons
- contact persons for all federal police buereaus / offices
- specification of tasks
- cooperation with executive departments for internal auditing
- expert advice
- ...



Execution in Federal Police

staff awarness and education

- Korruption -

(K)ein Thema für die Bundespolizei?

Gemeinsam gegen Korruption

Korruption schadet allen

Korruption hat Folgen für alle!

Vertrauen bilden - Misstrauen vermeiden

Positive Vorbilder - Missstände verhindern helfen

Ab sofort liegen bei der Ansprechperson um das Thema "Korruption" Informationsmaterialien zur Verfügung

Haben Sie noch Fragen? ...

Wir verstehen unseren Dienst korrekt und gewissenhaft!

BUNDESPOLIZEI

Korruptionsprävention



- Korruption schadet allen.
- Korruption beschädigt das Ansehen des Staates und seiner Beschäftigten.
- Korruption ist kein Kavaliärsdelikt; sie führt in die Strafbarkeit.
- Korruption fängt schon bei kleinen Gefälligkeiten an.
- Korruption macht abhängig.
- Korruption macht arbeitslos.

- Ablehnende Haltung verdeutlichen und Vorbild sein.
- Korruptionsversuche sofort abwehren und Vorgesetzten / Ansprechperson (vertraulich) informieren.
- Auf Überprüfbarkeit der eigenen Arbeit achten und in heiklen Situationen Zeugen hinzuziehen.
- Dienst- und Privatleben trennen, um eine Kollision von privaten Interessen mit Dienstpflichten zu vermeiden.
- Korruptionsaufklärung und Antikorruptionsmaßnahmen unterstützen.
- Regelungen für Belohnungen & Geschenke beachten und immer bei der Ansprechperson anzeigen.
- Entsprechend fortbilden lassen.

Ihre örtliche Ansprechperson für Korruptionsprävention:
Vorname + Nachname
Vorwahl + Durchwahl



In der Direktion Bundesbereitschaftspolizei



Korruption - ein Thema für die Bundespolizei?

Wie korrupt sind unsere Behörden - Grenzpolizisten?

Am Kanthaken der Justiz

Wir verstehen unseren Dienst korrekt und gewissenhaft!



Execution in Federal Police

basic and advanced training

- corruption prevention is part of basic training in Federal Police
- focus are the criminal offences
- implementation of project days
- advanced training – courses at the Academy of the Federal Police
 - for employees with positions which are especially vulnerable to corruption
 - for executives
 - for contact persons
 - internal auditors
- advanced training at the several offices through the contact persons



Execution in Federal Police

Conscientious administrative and task-related supervision

- ensuring compliance of principle of greater scrutiny
- pay attention to indicators of corruption
- careful selection of personell, (extra for positions wich are especially vulnerable to corruption)
- increased welfare for these employees
- ensuring participation in advanced training
- corruption prevention always is part of internal auditing



Execution in Federal Police

Guidelines for awarding contracts

- procurement by uniform scheme
- procurement to a greater extent only by the government purchasing authority
- procurements principally have to be public invited to tenders
- clear delineation of responsibilities for the several steps of the procurement procedure



Prohibition of accepting rewards and gifts

§ 71 Law of Federal Executives

- principally it is forbidden to accept rewards, gifts or benefits for exercising of an office
 - for themselves or thirds
 - to accept or demand
- exception: approved gifts
 - approval must be made in advance
 - responsibility for approval clearly established
 - gifts with little substantive value are approved
- acceptance of cash ist strictly forbidden
- contact person for corruption prevention or executive department for internal auditing is involved in the approval procedure

An

Personal- bzw. Intervention über Ansprechperson für Korruptionsprävention

a. d. D.

<input type="checkbox"/> Anzeige einer Zuwendung (Die zu einem Wert an Höhe von 25,00 €)	<input type="checkbox"/> Antrag auf Genehmigung der Annahme einer Zuwendung (wenn der Wert der Zuwendung mehr als 25,00 € beträgt)
<input type="checkbox"/> Ich habe die Zuwendung angenommen.	<input type="checkbox"/> Ich möchte die Zuwendung annehmen und behalten.
<input type="checkbox"/> Ich habe die Zuwendung angenommen und an _____ weitergeleitet.	<input type="checkbox"/> Ich möchte die Zuwendung annehmen und an _____ weiterleiten.
<input type="checkbox"/> Ich habe die Zuwendung zurückgegeben.	<input type="checkbox"/> Ich habe die Zuwendung abgelehnt.

Art der Zuwendung: z. B. Sponsoring, Einladung, Geschenk, Dienstleistung	
Geschätzter Wert:	
Anlass der Zuwendung:	
Datum der Zuwendung:	
Empfänger(in)/Antragsteller: Name, Vorname, Amtsbezeichnung, Funktion	
Übermittler: Name/Firma	
Verbindungsstelle: Name/Firma	
Bezeichnung des/der Nebenstelle(n): z. B. pers. behördlich, langjährige Zusammenarbeit mit Bundespolizei	

Ich beantrage _____ Unterschrift des Antragstellers/Bediensteten

Ansprechperson für Korruptionsprävention
 Ich habe keine Bedenken. Ich habe folgende Bedenken:

Ich beantrage _____ Name, Unterschrift

WPK 1.0 01.04.12 12



Exercise of ancillary activities

§ 98 fc. Law of Federal Executives

- it is allowed to administration officers to exercise ancillary activities / jobs for payment
- they have to announce it, respectively the activity must be approved in advance

§ 99 Law of Federal Executives

- sets, when ancillary activities / jobs may not be improved
- clear delineation of responsibilities for the approval

Arbeitsbereich Name, Vorname _____ Datum _____
Nachname _____
Antrag auf Genehmigung/Anzeige einer Nebenberuflichkeit
(§ 98 Abs. 1 Satz 1, § 99 Abs. 1 Satz 1 Nr. 1)

Ich beantrage die Genehmigung für folgende Nebenberuflichkeit:
 Ich habe beantragt die Genehmigung zur Fortführung der folgenden Nebenberuflichkeit:
 Ich habe angeht gemäß § 98 Abs. 1 Satz 1 Nr. 1 gemäß § 99 Abs. 1 Satz 1 Nr. 1
Nebenberuflichkeit ist _____

Art der Tätigkeit (bei Nebenberufen ohne Nebenberuflichkeitsantrag):
Für was (Arbeitsgeber) und von (Arbeitszeit) wird die Nebenberuflichkeit ausgeübt?

Zustehende Art. Reisezeiten: von _____ bis _____, für die Nebenberuflichkeit ausgeübt werden.
Dauer der Nebenberuflichkeit: _____
Anfangsdatum der Nebenberuflichkeit: _____
Dauer der Nebenberuflichkeit: _____
Für was (Arbeitsgeber) wird die Nebenberuflichkeit ausgeübt?

Wird die Nebenberuflichkeit ausgeübt? ja nein
 Ich habe keine Nebenberuflichkeit mehr. Ich habe bereits folgende Nebenberuflichkeit nach: _____

Unterschrift des Antragstellers/Antraggeberin:

Stellungsgruppe des/der Sachbearbeiters/Sachbearbeiterin
Zugriff der Ausübung der Nebenberuflichkeit bestehen kann/folgende sicherheitsrelevante Funktionen:

Namen, Unterschrift

Stellungsgruppe des/der Sachbearbeiters/Sachbearbeiterin
Zugriff der Ausübung der Nebenberuflichkeit bestehen kann/folgende sicherheitsrelevante Funktionen:

Namen, Unterschrift
