

POLICE REFORM IN MONTENEGRO 2011-2019

An Assessment and Recommendations
for Good Governance in Policing



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Podgorica, 2021

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INTRODUCTION

This OSCE report covers the eight-year-long period of police reform in Montenegro between mid-2011 and mid-2019. The research for the report was conducted in late summer and autumn of 2019 and it does not, therefore, analyse later developments, marked by the massive civil disobedience movement, the COVID-19 pandemic, and the historic parliamentary elections in 2020 which brought the first change of the governing majority in three decades. These events have already made a strong impact on policing in Montenegro and this impact will continue.

The report is partly building on the previous one, *Police Reform in Montenegro 2006-2011: Assessment and Recommendations*,¹ which was itself build upon two preceding OSCE reports, publicised in 2001² and 2006.³

Each of the previous OSCE reports marks a distinctive phase in the contemporary history of Montenegro. The first—commonly referred to as The Monk Report—served as the basis for conceptualising the initiation of police reform. The second report covered the period between the beginning of democratisation of the then-Federal Republic of Yugoslavia and Montenegro’s referendum on independence (2001-2006). The third report analysed the initial period of Montenegro as an independent state (2006-2011). **This new report could serve the new Government of Montenegro in conceptualising and designing a fresh start of police reform.**

This report focuses primarily on those aspects of police reform in Montenegro that can be described as **good governance in policing**. This is done through three chapters: *Institutional Framework for Police Reform*, *Police Accountability*, and *Community Policing*. These areas have a great impact on police reform. Institutional framework is about the ‘non-policing’ aspects of the process which are key, for they enable the very functioning of policing. This includes the place of police within the criminal justice and security systems, as well as within the public administration in general, the Police Direc-

1 Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro).

2 Richard, Monk (2001) *Policing in the Federal Republic of Yugoslavia* (Belgrade: OSCE Mission to the Federal Republic of Yugoslavia).

3 Gajić, Novak, Sharon Riggall & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro).

torate's organisation and structure, human resources management (including police education and training), and financial management. Police accountability is in turn crucial for the democratisation and rule of law in Montenegro, while community policing is important for local democracy and for the quality of citizens' life. Yet, no international actor but the OSCE focuses on them. These areas are not part of the EU *acquis communautaire* and they are also often excluded from the bilateral assistance which is primarily related to the security concerns of the donor countries. The OSCE's focus on matters analysed in these three chapters has been established in The Monk Report and to this day they represent the unique added value provided by the OSCE.

The report is based on extensive desk research and interviews with 78 individuals from the Police Directorate and other Montenegrin authorities, both central and local, as well as from civil society, media, and international organisations. The Police Directorate and the Ministry of Interior also had the opportunity to provide input and feedback to the findings and recommendations of the report prior to its publicising. Much of the input provided by these two authorities, in several rounds during 2020, has been incorporated in the report.

ACKNOWLEDGEMENTS

The author takes this opportunity to thank the many people who lent their support in writing the OSCE report *Police Reform in Montenegro 2011-2019: An Assessment of Good Governance in Policing*.

The report would not have been possible without the endorsement by the Police Directorate, which gave strong support and assistance to producing an honest and constructive assessment of the status of police reform in Montenegro.

The report received critical support and guidance from the leadership of the OSCE Mission to Montenegro – Head of Mission Ambassador Maryse Daviet and Deputy Head of Mission Siv Katrine Leirtrø. The writing of the report was initiated by Dragica Vučinić, National Security Cooperation Officer at the Mission's Security Co-operation and Governance Programme. Her support, as well as the plethora of information and insight she provided, were vital to this undertaking. Great support during the research was also received from other members of this Programme – Nađa Bobičić, John Corrigan, and Stephen Harmon. All of them have also provided invaluable feedback at various stages of developing the report. Several other members of the OSCE Mission were also very helpful and provided additional information and explanations. Prof. Kenneth Morrison of the De Montfort University in Leicester meticulously reviewed the text and greatly helped its improvement.

This assessment is to a great extent based on interviews with many individuals involved in or related to police reform in Montenegro. The majority of them are from the Police Directorate, but a great number of interviewees came from other authorities, institutions, and organisations. It is indeed a great pleasure to thank all those who took time to give valuable insight, information, and feedback.

The author alone is responsible for any possible inconsistencies in this report. Any issue taken with the views expressed in this document should not be a reflection of those who gave their time and expertise in the completion of this study.

Novak Gajić

EXECUTIVE SUMMARY

This OSCE report covers the eight-year-long period of police reform in Montenegro between mid-2011 and mid-2019. It concentrates on those aspects of police reform in Montenegro that can be described as good governance in policing, through three chapters: *Institutional Framework for Police Reform*, *Police Accountability*, and *Community Policing*. This report could serve the new Government of Montenegro in conceptualising and designing a fresh start in the police reform process.

KEY FEATURES OF THE CONTEXT

The reporting period saw some very significant developments. Montenegro joined NATO and its European Union integration intensified. Among the candidate countries, it has the biggest number of integration negotiation chapters opened and temporarily closed. This is of particular importance for the report, as negotiation chapters 23 (*Judiciary and Fundamental Rights*) and 24 (*Justice, Freedom and Security*) are on the very top of EU's priorities regarding the accession of new member states. The necessity to demonstrate tangible progress in these areas resulted in political consequences, visible through some high-profile court cases on corruption and organised crime.

Another important characteristic of the reporting period is that Montenegro became more visible on the international organised crime scene, as its organised crime groups became an important factor in the global trafficking of narcotics. The rivalry between two main organised crime syndicates spilled over in the form of dozens of mafia-style assassinations that shook Montenegro, otherwise quite a safe country. The previous lack of violent crime on such a scale does not, however, assume the absence of various forms of economic crime. This reporting period, like the previous ones, saw a number of high-level corruption allegations, including those against senior government officials and individuals closely related to them.

Finally, the reporting period was marked by significant political tensions in Montenegro, which had their effects on policing. Two most important cases in this regard were massive police violence during the demonstrations in the capital Podgorica in 2015 and the government's allegations that the opposition had planned a *coup d'état* on the day of parliamentary elections in 2016, which resulted in dozens of arrests and in eventual court dismissal of those allegations.

INSTITUTIONAL FRAMEWORK FOR POLICE REFORM

The analysis of the institutional framework covers those areas of the law enforcement system which do not necessarily constitute the core of policing, yet are of vital importance for its functioning. These issues are: the Police Directorate's place within criminal justice and security systems of Montenegro, as well as within public administration in general, the Police Directorate's organisation and structure, human resources management (including police education and training), and financial management.

The first major change is that the Police Directorate was separated from the Ministry of Interior in early 2019 for the second time in last 15 years. This was not based on an analysis nor in consultations with police professionals and external experts, but as a **consequence of political competition within the then-ruling coalition over the control over key instruments of power**. This process was therefore delivered rather mechanically in a number of its aspects and it has not been planned with sufficient attention for such a complex and important change.

The new Government of Montenegro should not repeat the mistakes of its predecessors and should therefore support **full professional and operational autonomy of the police by creating conditions for effective functioning of the police as a professionally and operationally autonomous and impartial public service**. The Ministry of Interior should be tasked with setting strategic objectives, supporting the police in obtaining resources for achieving them, monitoring if the police meet the set objectives, and overseeing it on behalf of the executive branch of the government. The Ministry should retain important competences in the areas of internal control, professional standards, human resources management, financial management, and strategic planning. However, it should not do these things instead of the police, especially if it possesses neither the proper insight into the needs of the police, nor the adequate expertise on policing, which is currently the case in Montenegro. Conversely, it is critical that the police have full professional autonomy and therefore the ability to execute their mandate and deliver results towards achieving the set policy and strategic goals. Therefore, the **Government of Montenegro should undertake a thorough reassessment (functional analysis) of the current institutional and organisational outcomes of the separation of the Police Directorate from the Ministry of Interior and based on its results adopt a number of readjustments**. This report specifies key areas that could be reviewed within that functional analysis and provides assessment and recommendations that could assist the Government in making important decisions.

The first key finding in this chapter is that the 2019 separation from the Ministry of Interior left the Police Directorate without its own capacities for the strategic planning of policing. The level of competences that have remained within the Ministry are such that the Police Directorate formally lacks some key instruments for planning and developing strategies and policies needed to allow it to effectively carry out its work. The Ministry retained full competences in this area through its Strategic Development Directorate, staffed by civilian public servants without much policing expertise. In order to equip them with adequate understanding of police organisation, they should receive adequate training (an orientation course) on policing in general and specifically on the Police Directorate.

Providing strategic and policy guidance to the police must not be confused with managing the activities of the police. The **Police Directorate should build its own capacity for strategic planning**, separate from the Ministry of Interior, which would be tasked with these matters (such as human resources planning, including police training and professional development) and which should answer directly to the Police Director. Such strategic planning capacities can build upon the experiences of the former Strategic Planning Unit—which played a major role in police reform during its first decade and which has been described by the OSCE earlier as the engine of that process.

The Ministry of Interior remains in charge of **overseeing police** on behalf of the executive branch of government, through two of its organisational units: the Oversight Directorate and the Internal Police Control Department. The Oversight Directorate's tasks are all, in one way or another, related to upholding professional standards in policing. However, it is not entirely fit for the purpose; out of 35 systematised staff posts, 22 are designated for police officers and 13 for civilian public servants. In reality, a number of police posts are staffed by civilian public servants without any policing experience.

Within its Service for ICT and Technical Oversight Security and Systems, the **Ministry of Interior retained the strategic level of IT systems used by the Police Directorate. This includes the management of police databases** such as: the Database of criminal acts, perpetrators and victims, the Fingerprint database (AFIS), the DNA database (CODIS), the Database of missing persons and items, the Database of events and conduct upon them, the Database of arrests, the Confiscated items database, the Registry of crossing the border, the Registry of foreigners' stay up to 90 days, the Database of public order misdemeanours, and the Database of traffic accidents. In addition to these being defined as police databases in several laws (Law on Internal Affairs, Law on Public Order, Law on Foreigners, Law on Border Control, and Law on Road Traffic Safety), management of police databases by the police service is the usual practice in many countries (even when police services are integral parts of ministries), as well as an imperative for international police cooperation. The Police Directorate's Information Security and Data Processing Centre is only in charge of the maintenance of hardware and software and of providing 'helpdesk' support, without a role in designing and developing the architecture of IT systems used by the police. **The Police Directorate should therefore take over police databases and be fully capable of developing and maintaining IT capacities that are used exclusively for operational purposes.** Apart from oversight of legality and purposefulness of police conduct, there is no need for another role in this by the Ministry of Interior.

The Police Directorate's organisational structure at the central level is quite elaborate, more than is required for a relatively small police service. The number of Sectors, each headed by an Assistant Police Director, almost doubled after the separation of Police Directorate from the Ministry of Interior: (1) General Jurisdiction Police Sector (i.e. uniformed police), (2) Criminal Investigations Sector, (3) Sector for the Fight against Organised Crime and Corruption, (4) Border Police Sector, (5) Sector for the Protection of Facilities and Persons, (6) Special Police Sector and (7) Sector for the Prevention of Money Laundering and Terrorism Financing. The eighth Assistant Police Director coordinates the four supporting organisational units: (1) Department for Telecommunications and Electronic Technology, (2) Information Security and Data Processing Centre (i.e. IT centre), (3) Service for Human Resources, Personnel and Legal Affairs, and (4) Service for Financial, General and Support Affairs. **The Police Directorate's organisational consolidation could be centred around four basic Sectors, representing the three main branches of policing (General Jurisdiction Police Sector, Criminal Investigations Sector, and Border Police Sector) and their administrative, technical, and logistical support (Sector for Human Resources, Finances and Technical Support).** The Government should consider remerging the Sector for the Fight against Organised Crime and Corruption with the Criminal Investigation Sector, transferring the tasks of the Sector for the Protection of Facilities and Persons and the Special Police Sector to regular police, and review the status of the Sector for the Prevention of Money Laundering and Terrorism Financing, to make it a functional and operationally independent financial intelligence unit, based on the analysis of its performance. The supporting organisational units should be **consolidated into a new Sector for Human Resources, Finances and Technical Support.**

The Police Directorate is **territorially organised** through eight regional Security Centres, subdivided into 10 Security Departments (in mid-size municipalities) and four police stations (in smallest municipalities). Taking into consideration the distribution of criminal offences, misdemeanours and traffic

accidents, and the concerns about the adequate use of police personnel, it would be advisable to consider downsizing the number of Security Centres to four (North, Centre, South and Podgorica). This could go hand-in-hand with centralising the function currently performed by 21 local duty services (on-call centres) into one Operations and Communication Centre. It is important, however, to stress that any potential territorial reorganisation through centralisation of management must not result in detaching the police from citizens and communities throughout Montenegro, nor harm the access to services provided by police and the development of community policing. In addition to the matter of size of territorial units of Police Directorate, another equally important aspect of territorial organisation of policing is sufficient operational decentralisation in decision making. This will require developing policies and procedures which would make operational autonomy standard. This should primarily involve a sustainable transfer of authority over issues specifically related to policing in the communities.

The second key finding is that there is a consistent lack of staff for many policing duties, despite the fact that Montenegro has one of the highest ratios of police officers to general population (with one police officer per 141 inhabitants, Montenegro has the second highest such ratio in Europe, after Monaco). This represents a burden for Montenegro and its budget, while the outcomes in terms of delivery of what the police are mandated to do are not always efficient. The fact that such an oversized service suffers from insufficiency of staff indicates the existence of structural problems in human resources management: inadequate training of new employees, scaling down numbers without appropriate planning, and lack of human resources management capacity within the Police Directorate. Re-scaling should be approached sensitively and only after a thorough functional analysis throughout the Police Directorate. It is imperative that this process is transparent and that all employees are given adequate information about it as soon as possible, as well as a clearly defined period for adjusting to changes (between one and two years). The effective integration of redundant employees into society will need to comprise not only financial compensation, but also professional retraining and start-up credits and grants for small businesses. This will require a joint effort from the Police Directorate, the Ministry of Interior and the Government of Montenegro, which should also seek international support for this process.

The Police Directorate does not have sufficient capacity in the area of **human resources planning and management**, but largely depends on the Ministry of Interior's Strategic Development Directorate. The Police Directorate's Service for Human Resources, Personnel and Legal Affairs is occupied by daily routine in the area of personnel affairs, without resources to engage with human resources planning and support to career development of police officers. It should be strengthened both in terms of staff and in terms of capacities to deal with human resource management. It should also cooperate closely with the Police Directorate's capacity for strategic planning.

The success of the basic police training has been undermined in recent years by the recruitment of several hundred police officers who graduated from a **shortened basic police course**, lasting only four months, for which they were often selected due to political loyalties. Also, a number of university graduates with no policing experience were employed not only at the entry level, but also to senior posts, through politically motivated appointments in some cases. It is imperative that all **recruitment and selection procedures** guarantee a transparent, equal and merit-based process.

The **basic police training** at the Police Academy is one the key successes of the whole police reform process in Montenegro and its new graduates are generally recognised quite positively both by the citizenry and by the police managers who supervise them after they graduate. The Police Directorate under the current arrangement has no real influence over the intake of new students, nor over training programmes and curricula. As a consequence of the institutional detachment of the Police Academy from the Police Directorate, the former is not always getting clear and systemic information on

what type of specialised training the latter's organisational units require. The Police Academy has developed a curriculum for **management training**, but it has never been incorporated into a regular programme, as it is not being funded from the Police Directorate's budget. The current system of enrolment requires improvements in addressing the shortcomings in diversity and representativeness of the police service. The **Police Academy ought to be reintegrated into the law enforcement structures**, by becoming a part of the Police Directorate or the Ministry of Interior. The management training (for different managerial levels) should become a regular requirement for performing all managerial duties in the Police Directorate.

The Police Directorate should develop a **plan for eliminating the obstacles for retaining women** in police jobs, for accessibility of all posts throughout the Police Directorate, as well as for their upward mobility. There is also the necessity for implementing an active policy of recruitment and career development aimed at **different ethnic, linguistic and religious groups**, as the current structure of the police service considerably diverges from the structure of Montenegro's population. **Performance evaluation** of police officers is undertaken, yet it is seldom more than a formality. The Police Directorate should ensure that the basic competences and competences attached to each post are clearly defined, while police managers should be properly trained how to evaluate employees they supervise with impartiality and with an orientation toward results. **Labour rights** of police officers pose quite an issue. In previous years, hundreds of police officers have sued their employer asking for just compensation (either financial or in days off work) they were denied. An effective system of complaints needs to be put in place, one that would make police officers confident to use and reluctant to abuse. Another important aspect of police officers' wellbeing is **health protection**, especially mental healthcare, for which there is currently no support. It is also imperative that managerial posts are allocated, also through internal competition, only to those officers who have successfully completed management training, which is both reflecting the job requirements and accessible to most (if not all) police officers, allowing them to adjust it to their work demands. Political and other clandestine appointments to operational positions must be curtailed.

POLICE ACCOUNTABILITY

Montenegro has a very elaborate institutional setup for police oversight, but it is not always capable of adequately addressing police accountability issues, because (a) some parts of the system work better than others, (b) they do not always cooperate well, and (c) their jurisdictions are not always delineated. The existing deficiencies of police accountability have internal and external sources. Mitigating the former requires substantial commitment from the Police Directorate and the Ministry of Interior, while the latter necessitates a depoliticisation of policing.

After the re-establishment of the Police Directorate as a separate public authority, the mechanisms of police oversight can be grouped into three categories: internal, quasi-internal, and external.

Proper **internal** police oversight is performed within the Police Directorate, through three mechanisms: professional oversight of individual police officers performed by their direct supervisors; oversight of performance of organisational units of the Police Directorate by its senior management; and internal financial oversight (attributed to the Police Directorate's Internal Audit Department, which has never been established). Since the re-establishment of the Police Directorate as a separate authority, this Department has not been staffed.

After the 2019 separation of two authorities, the oversight performed by the Ministry of Interior can be described as **quasi-internal**. It is exercised through several mechanisms – by the Minister, Disciplinary Commission, Board of Ethics, Oversight Directorate, and Internal Police Control Department

(IPCD). The IPCD has not used its full competencies. It usually acts upon complaints from citizens, while its cooperation with other oversight mechanisms (e.g. Ombudsman, Council for Citizens Control of Police Work) is almost non-existent and the IPCD has rarely followed-up general conclusions and recommendations made by them. The IPCD has rarely used its authority to undertake proactive investigations of potential police wrongdoing. The IPCD needs to be staffed by top criminal investigators, both in terms of their ability and integrity, which requires an unhindered flow of such staff between the Police Directorate and IPCD. The IPCD must be given systemic real-time access to all police operations, evidence, databases and communications. Conversely, all such access should be recorded, to prevent potential misuse of accessed data. The IPCD should also have automatic access and priority when it comes to the use of forensics and special investigative means, which belong to relevant police units, since the development of separate capacities exclusively for the IPCD would not be cost-effective in the case of a relatively small police service. The Criminal Procedure Code should therefore be amended to allow the IPCD to request them independently of the Police Directorate, as well as from the Ministry of Interior.

External police oversight comprises several mechanisms. The best performing component of external oversight has been by specialised NGOs (MANS, Institute Alternative, etc) and the Council for Citizens Control of Police Work, an independent body legally established in 2005. The Police Directorate should be more open to cooperation with civil society – both to its expertise and to its constructive criticism. It should continue to develop its policy of openness and transparency in its relations with the media. The police capacity to deal with requests for freedom of information should be significantly improved so that there is a greater number of trained professionals in charge of responding to requests, data collection is automatised, and the response time is shortened.

A number of strong concerns have been registered regarding the **impartiality of the judiciary in cases involving police**. It is notable that criminal proceedings in which police officers are defendants tend to last longer than for the general population. **Parliamentary oversight significantly deteriorated during the reporting period**. The existing legal and institutional framework and capacity provides the sufficient foundation for effective parliamentary oversight of policing, yet there has been the lack of will to scrutinise the work of the executive. This lack of oversight is especially damaging when the parliament does not provide political accountability for major incidents that undermine public trust in the police. The authority for oversight enables the Parliamentary Committee for Security & Defence to exercise active scrutiny of particularly sensitive and high-risk areas, for which the executive branch does not produce regular reports. Two of the most important such areas when it comes to policing are corruption risks (e.g. transparency, procurement, and financial, material and human resources management) and the legality of use of special policing competences (e.g. coercion and special investigative methods). The **State Audit Institution** should audit all confidential procurement by the Police Directorate. Its staff should be trained to oversee the finances of other sensitive payments, such as those for special operational needs (like controlled delivery), as well as donations from private sources. Current legislation allows too much discretionary power to security sector institutions to proclaim that procurement is a matter of national security, which leaves open the possibility of a potential misuse of funds. This, it should be noted, included construction contracts, which certainly do not need to be confidential.

Police accountability is also an area of specific significance for Montenegro's aspirations to join the European Union. Montenegro and the EU have jointly identified policing as an area especially vulnerable to corruption (together with privatisation, public procurement, urban planning, education, healthcare and local self-government), which requires the development of specific measures to prevent it. In addition, the EU is insisting on verdicts for corruption against officials of the Ministry of Interior and the Police Directorate, but this has not happened thus far. As a part of the EU accession negotiations, three priority areas related to police accountability have been identified within the

Negotiation Chapter 23 (*Judiciary and Fundamental Rights*) and included in the Action Plan for it:

1. Prevention of corruption – through implementation of the Integrity Plan, capacity building and equipment;
2. The fight against corruption in the police – by investigation, prosecution and adjudication of cases of corruption reported by citizens, NGOs, media and IPCD, including the cases of high-profile police corruption, as well as through campaigns for such reporting; and
3. Investigation of torture and inhuman or degrading treatment or punishment.

Police leadership should tackle **widespread perceptions of police corruption, links to organised crime, and impunity**, by publicising investigation of corruption, measures that citizens can take in mitigation and undertaking comprehensive risk analysis. The risk analysis should identify situational opportunities for corruption, i.e. jobs and police tasks most vulnerable to corruption, as well as organisational processes conducive to corrupt behaviour (e.g. confidential procurement, non-transparent promotion) and this should be followed by adequate preventive and sanctioning measures.

COMMUNITY POLICING

Since 2008 community policing has been rolled-out throughout Montenegro, and has yielded positive results. However, despite the good foundations, it has suffered a setback in last few years. Without continuous investment in this way of work, good practices were lost with the retirement of some of the specialised contact police officers, while others were moved to other duties. This is felt by the citizens, who express dissatisfaction with the visibly decreased police presence in the public, considering that it makes the police less responsive to the needs of community and hampers its crime prevention activities, thus contributing to the weakening of general levels of public safety and security.

The current situation can be improved without significant difficulty, but that would require a strong and sustained commitment. The renewal of community policing should build on positive experiences and demonstrable success from the (very recent) past and can be approached through two stages.

In the **first stage**, the **renewal of country-wide rollout of community policing** should take place ensuring the deployment of contact police officers. This should commence with adequate strengthening of the Prevention and Community Policing Department within the Police Directorate's General Jurisdiction Police Sector. Its members should receive adequate training, continuous exposure to international experiences and best practices, and budget for support to contact police officers and their supervisors in the field. Finally, the Police Directorate leadership should ensure that this Department has both a clear mandate and suitable resources.

The renewal of community policing should commence by careful planning of human resources – primarily for **additional contact police officers and their supervisors**. Their selection should be expanded to include significantly more women and members of different ethnic, religious and linguistic groups, with an aim to be as representative as possible. These contact police officers should be adequately trained before deployment into areas in which they will serve. Finally, all police officers throughout Police Directorate, of all ranks, should receive in-service orientation on community policing, so that its values are internalised and embedded within the entire service.

The **second stage** of future development would mean **embedding and mainstreaming community policing throughout the police service**. It should not be isolated, but well-integrated into all aspects of policing. A coordinated effort would require that the Prevention and Community Policing Department is enabled to coordinate with and support community policing within other parts of the Police Directorate, particularly the traffic and border police. It is also of crucial importance to improve coordination between different police branches, as well as between police and other relevant authorities at the local level. This stage should include the development of a formal policy on community policing, further operationalised into the manual for police officers implementing community policing. The future policy for community policing would also need to contain information for police managers regarding issues such as criteria for selection of contact police officers, designated contact regions and methods of evaluation.

In order to ensure that community policing responds to key safety and security concerns of local communities, consideration should be given to establishing mechanisms for **local partnerships** with other institutions. Moreover, the institutionalisation of local partnership in the form of **municipal safety councils** is advised. The leadership in their work should rest with the municipalities, while the Police Directorate would initiate it through a systemic approach for the whole country. For this purpose, a partnership with the Union of Municipalities of Montenegro should be initiated.

LIST OF RECOMMENDATIONS

INSTITUTIONAL FRAMEWORK FOR POLICE REFORM

1. The Police Directorate's legal status and position within the public administration system should ensure that it is professionally and operationally autonomous and free from political influence.
2. Any potential institutional and organisational changes of the status of police within the public administration should in the future occur only as a result of analytically identified needs and thoroughly planned change management processes. The particular interests of political parties must never be their cause and police organisation should be protected from such interference.
3. The current institutional and organisational outcomes of the separation of the Police Directorate from the Ministry of Interior require a thorough reassessment, which could ultimately lead to a number of institutional and organisational readjustments.
4. The Police Directorate should be fully capable of independently operating its IT systems and police databases used exclusively for operational police purposes, as well as to take over such systems and databases which are still at the Ministry of Interior, while the Ministry should keep the executive oversight of legality and purposefulness.
5. The Police Directorate should have its own strategic planning capacity, separate from the Ministry of Interior, answering directly to the Police Director. Such organisational unit should be modelled after the former Strategic Planning Unit, which played a major role during the first decade of police reform in Montenegro.
6. The posts within the Ministry of Interior's Oversight Directorate that are designated for police officers should be staffed by police officers and not by civilian public servants who were given police ranks without prior policing experience.
7. The legal definition of the Police Directorate and the list of its designated tasks should be changed to reflect the nature of a police service.
8. The Police Directorate's organisational consolidation could be centred around four basic Sectors, representing the three main branches of policing and their administrative, technical and logistical

- support: (1) General Jurisdiction Police Sector, (2) Criminal Investigations Sector, (3) Border Police Sector, and (4) Sector for Human Resources, Finances and Technical Support.
9. Consideration should be given to reintegrating the Sector for the Fight against Organised Crime and Corruption with the Criminal Investigations Sector.
 10. In case that the Government of Montenegro for the time being sticks to the political decision and keeps the Sector for the Fight against Organised Crime and Corruption in the current status, to demonstrate internationally and locally its commitment to fighting organised crime and corruption, it would still be recommendable to make considerations about mid-to-long-term planning for its eventual merging with the Criminal Investigations Sector.
 11. The number of police officers working on protection of facilities and persons should be downsized, so that more human resources are freed for regular policing tasks.
 12. Close protection of officials should be reassessed and used only if commensurate with identified threats to their security.
 13. The routine protection of most governmental buildings and facilities—including those of the Police Directorate—should not be performed through underutilisation of qualified police officers, but by less-qualified staff of security companies.
 14. The protection of facilities of the judiciary should not be within the responsibility of the Police Directorate, but of the Ministry of Justice.
 15. After freeing a large number of members of the Sector for the Protection of Facilities and Persons for performing more regular police tasks, the remaining part of it should be integrated either (a) with the General Jurisdiction Police Sector or (b) with the Podgorica Security Centre.
 16. Special police should be demilitarised and fully integrated into the rest of the service. In addition to harbouring police values and culture, this would also entail that their members are performing regular police duties and engage with the community when not carrying out their specialised tasks or when not undergoing specialised training.
 17. Members of the special police should be recruited exclusively from the police ranks and not directly from the public, and only after a mandatory minimum of years on other police duties.
 18. The current two special police units should either (a) be fully merged or (b) have their mandates fully differentiated.
 19. Parts of the regular uniformed police should be adequately trained and equipped to perform some of the tasks currently designated to Special Police Sector (such as securing public gatherings, e.g. big sport events).
 20. A consideration should be given to consolidating special forces capacities in Montenegro by transferring some of the highly specialised staff from police to the military.
 21. It would be needed that the Government of Montenegro analyses and reassesses its decision to integrate the national Financial Intelligence Unit into the Police Directorate. This should be led by two principles: (1) FIU's international status and (2) assessment of the results achieved in the field of Prevention of Money Laundering and Terrorism Financing. If a decision is made to keep the FIU within the Police Directorate, it would be necessary to clearly emphasise its non-police character, while its head should continue being appointed by the Government.
 22. The current territorial division of the Police Directorate into eight Security Centres could be consolidated into three (North, Centre, and South) or four (North, Centre, South and Podgorica) policing regions. It is, however, important that any potential territorial reorganisation through centralisation

of management does not result in detaching the police from citizens and communities throughout Montenegro, nor harm the development of community policing. Regardless of organisation of policing, Montenegro's citizenry must not be deprived of the access to its police.

23. On-call duty centre capacities should be consolidated by centralisation, accompanied by adequate technological upgrading and additional training of operators. Eventually, Montenegro should build a single communication centre for all emergency services: police, fire-fighters, medical emergency, and sea rescue.
24. The management structure of many parts of the Police Directorate is still quite hierarchical, with many cases in which managers supervise very small personnel. Such 'vertical' organisational structure should be gradually replaced by a more 'flat' structure, with fewer managers supervising more police officers.
25. A policy of greater decentralisation of operational decision-making should be enacted and formalised as part of the territorial reorganisation of the Police Directorate, in a sustainable way, with subsidiarity as the guiding principle. This should primarily mean a sustainable transfer of authority over issues specifically related to policing in that community to regional and municipal police authorities.
26. The Police Directorate should have full professional autonomy in human resources planning and management, independently of the Ministry of Interior.
27. There is a need for strengthening the capacity and effective mandate of the Service for Human Resources, Personnel and Legal Affairs. It should be able to develop human resources management and development strategies and career development plan. This should be done in close co-operation with the Department for Analytics and the Improvement of Policing.
28. The Police Directorate needs to downsize and rationalise the number of staff, but only after a thorough functional analysis, which should be conducted throughout the Police Directorate, under the joint lead of the Service for Human Resources, Personnel and Legal Affairs and the Department for Analytics and the Improvement of Policing. Information regarding this important process should be disseminated to all staff as soon as possible, and they should be given adequate time to adjust to changes.
29. Once the decisions on downsizing are made upon the functional assessment, the reduction of number of staff should be followed by an adequate social programme. The effective integration of redundant employees into society will need to comprise not just financial compensation, but also professional retraining and start-up credits and grants for small businesses. This will require a joint effort from the Police Directorate, the Ministry of Interior and the Government of Montenegro, which should also seek international support for this process.
30. The only way to become a police officer should be after graduating from the Police Academy. All graduates should start their career at the uniformed police and spend a defined minimal period at the starting level, on beat and patrol duties, in daily touch with the community, before being allowed to apply for other duties. An exemption could be made for forensic officers.
31. An objective and results-based performance evaluation system should be developed, for the benefit of both the Police Directorate as an institution and its employees.
32. All available positions within the Police Directorate should be filled through an open application process inside the Police Directorate. They should be advertised internally, and all candidates should be tested, while shortlisted candidates should be interviewed by a panel of senior officers and a human resources representative. Political and other clandestine appointments to operational positions should be forbidden. It is crucial that all recruitment and selection procedures guarantee a

transparent, equal, predictable, and merit-based process.

33. Appointment to a managerial post should be conditioned by successful completion of management training. The design of management training should be done to reflect job requirements and to allow for the flexible provision of training in line with the work demands of most police officers.
34. A more active policy of recruitment and career development of women and of different ethnic, linguistic, and religious groups is necessary for progressing towards a more representative police service, capable of addressing the specific safety and security concerns of different segments of Montenegro's population.
35. Police Directorate should develop a plan to eliminate the obstacles for keeping women in police jobs, for accessibility of all posts throughout the Police Directorate to, as well as for their upward mobility.
36. The wellbeing of police officers should be prioritised by the leadership of Police Directorate. This should entail both the respect of their labour rights and adequate healthcare, with an emphasis on mental health.
37. Recently established system of 'persons of trust'—experienced and trustworthy colleagues whom police officers can approach in confidentiality—should be further supported, mainly by empowering those designated with this role with training how to adequately respond to their colleagues looking for help and support. The designated persons of trust should also be adequately compensated for performing this role in addition to their police work.
38. The faculty of the Police Academy should be continuously supported to ensure that they are all familiar with adult teaching principles, practical police experience and could use relevant literature in foreign languages. It is especially important that this job is perceived as prestigious in every aspect, so that the most competent police experts are attracted to teach at the Police Academy.
39. The Police Directorate should make efforts to improve the system of professional mentorship for the Police Academy students and for newly employed officers. Mentors should themselves be specifically trained for this important role and should receive additional compensation on top of their regular salaries. This duty should be made prestigious in every aspect, so that experienced and competent police officers gladly apply for it, rather than simply being given this duty.
40. The Police Academy should be integrated within the structures of the Police Directorate.
41. Currently inadequate affirmative action system of enrolment into Police Academy's basic police training should cease and a new system for ensuring the diversity and representativeness of the police service should be put in place. The Police Academy and the Police Directorate should jointly organise targeted and tailor-made campaigns to attract more women and ethnic groups and thus improve the diversity and representativeness of both the student body and of the police service.
42. Police Directorate should develop a systemic approach to police management training, which would be a regular requirement for climbing to management positions.
43. Specialised training should be improved by greater cooperation of the Service for Human Resources, Personnel and Legal Affairs and heads of organisational units throughout the Police Directorate in the selection of participants and the specification of training needs, so to address job requirements and career development plans. There is a need for clear procedures for communicating training needs to the Police Academy so it could develop relevant courses.
44. The use of police resources (such as vehicles and fuel) for private purposes of senior management should cease instantly and vigorously monitored. Police Directorate should sell the surplus of vehicles.

45. Donations should be received only if they meet the planned needs of the police service.
46. Police should not receive donations from private sources, as this may lead to unwanted influence of private interests over policing.
47. The decentralised approach to budget planning should be encouraged, developed and made sustainable. Budget planning should be an obligatory part of management training and standardised budget proposal forms should be developed, in which organisational units could enter their requirements at the beginning of budget planning cycle. Budget planning should also be closely tied to and become a regular part of the general planning within the Police Directorate.
48. The procurement of new equipment should not be conducted on an *ad hoc* basis, but as a result of assessment and planning. The transparency of procurement procedures needs to be ensured by public tenders and by the scrutiny of the Assembly, State Audit Institution, Ministry of Interior, and the public.
49. The indiscriminate and non-transparent use of special procurement procedures needs to be discontinued as a matter of urgency and a rigorous financial oversight needs to be established.
50. The Law on Public Procurement should prescribe: (1) obligation of preparation of confidential procurement plans, with the prescribed minimum of information (e.g. subject of procurement, estimated value, procedure to be applied); (2) obligation of submitting these plans to the Parliamentary Security & Defence Committee for consideration and review and to the Government for adoption; (3) obligation to prepare reports on confidential procurement with relevant information on each of them (i.e. subject of procurement, estimated and executed value, applied procedure, and number of bids); (4) obligation of submitting annual reports on confidential procurement procedures to the Parliamentary Security & Defence Committee for consideration and review and to the Government for adoption; and (5) procedures which can be applied for security and defence procurement, method of collecting and evaluating bids, and evaluation criteria.
51. A system of ongoing independent performance and financial auditing needs to be established.

POLICE ACCOUNTABILITY

52. It is imperative that policing is fully depoliticised and unencumbered from political influence.
53. All police oversight mechanisms should cooperate, coordinate and share their findings and recommendations.
54. The Police Directorate's Department for Analytics and the Improvement of Policing and Police Director's Adviser should have a very active role in developing professional standards and other tools necessary for professional oversight of organisational units and individual police officers.
55. Every police officer convicted of committing a criminal act should also be subjected to disciplinary procedures. These two are inseparable and do not constitute double jeopardy.
56. Police managers should be able to deal with minor disciplinary issues of their subordinates and should not refer them to the Board of Police Ethics.
57. Internal police control is a matter of police organisation being capable of controlling itself, so the Government of Montenegro should consider the option of returning the Internal Police Control Department into Police Directorate.
58. The Internal Police Control Department must be free from any political pressure and it must have full operational independence.

59. As a matter of priority, the Internal Police Control Department should be allocated adequate human and technical resources.
60. The Internal Police Control Department must have systemic real-time access to all police operations, evidence, databases and communications. This should not be on a case-to-case basis, nor upon filing official requests, but automatic. All such access should be recorded to prevent potential misuse of accessed data. The Internal Police Control Department should also have automatic access and priority when it comes to the use of forensics and special investigative means.
61. The Criminal Procedure Code should be amended to allow the Internal Police Control Department to request the use of special investigative means independently from the Police Directorate and Ministry of Interior.
62. All posts in the Internal Police Control Department, on top of being advertised through the Government's Human Resources Management Administration, should be advertised within the Police Directorate, which should in turn guarantee that the selected staff can return to it when they finish working on internal control. Recruitment procedures should ensure that only those police officers who possess the highest integrity and impeccable career history can become IPCD members. Police Directorate should regulate that serving a certain period of time on internal control duties is a prerequisite for applying for senior jobs in criminal investigation. Serving with the IPCD should be considered prestigious, as well as an attestation of a police officer's integrity. IPCD members should receive substantially higher salaries than their counterparts on similar levels in other parts of Police Directorate.
63. The Internal Police Control Department should regularly consult other institutional mechanisms of police oversight and human rights NGOs, in order to analyse and integrate their findings into its activities.
64. The Internal Police Control Department should regularly run campaigns promoting its work and implement preventive actions. Its representatives could also take part in consultations with local communities to educate citizens on their rights and on the complaints procedure.
65. It is imperative that the Internal Police Control Department takes a proactive stance and investigates potential police wrongdoings on its own initiative.
66. It is of utmost importance for police accountability that the judiciary is fully independent, impartial and functioning in all cases involving individual police officers and the Police Administration as an institution. Deviation from this can only be devastating both for the public trust and the police morale.
67. The Assembly's Parliamentary Security and Defence Committee should be more active in overseeing the police.
68. The Assembly's Security and Defence Committee should ensure adequate horizontal co-operation among different oversight mechanisms. It should, at least once a year, hold a session with all authorities in charge of receiving and investigating complaints, as well as reviewing investigations carried out by the law enforcement agencies themselves and making recommendations on disciplinary action or imposing sanctions, so to analyse the effectiveness of complaints system.
69. Montenegro should continue implementing the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
70. The staff of the Ombudsman's Office should develop specialisation in overseeing police accountability beyond the issue of conditions of detention.
71. The State Audit Institution should audit of confidential procurement made by the Police Directorate to determine if the use of this procedure is justified.

72. Staff of the State Audit Institution should be trained to oversee payments allocated to special operational needs (e.g. controlled delivery), as well as donations coming from non-governmental or other legal entities.
73. The Police Directorate should be more open to cooperation with civil society – both to its expertise and to constructive criticism.
74. The Police Directorate should continue to develop its policy of openness and transparency in its relations with the media.
75. Montenegro should not adopt the proposed changes of legislation on free access to information that would give security sector discretion in deciding what information is of public significance.
76. Police leadership should tackle widespread perceptions of corruption and links to organised crime and impunity, by publicising investigation of corruption, measures that citizens can take and undertaking comprehensive risk analysis. The risk analysis should identify situational opportunities for corruption e.g. jobs and police tasks most vulnerable to corruption, as well as organisational processes conducive to corrupt behaviour (e.g. confidential procurement, non-transparent promotion policy) and followed by the adequate preventive and sanctioning measures. A zero-tolerance policy for corruption should be implemented and actively promoted encouraging citizens and police to report even cases of petty bribes.
77. The police capacity to deal with requests for freedom of information should be significantly improved so that there is a greater number of trained professionals in charge of responding to these requests, data collection is automatized and the response time is shortened.
78. An increasingly proactive approach to the exercise of oversight over the police and other parts of the security and criminal justice sectors will be needed. In the past, the PCSD has not overseen the use of special investigative means, the effectiveness of the complaints system, budgetary issues, or police participation in multinational operations.

COMMUNITY POLICING

79. The re-establishment of the Police Directorate as an independent public authority should be used as an opportunity for making substantial improvements in the area of community policing. The Police Directorate should substantially reinvest into community policing and relaunch it throughout Montenegro.
80. The next Police Development Strategy should recognise the need to renew community policing. The Action Plan for its implementation should operationalise this into specific activities, indicators and timeframes.
81. The community policing model which relies on contact officers should be renewed and reintroduced, and then maintained and constantly improved, in order to preserve this effective channel for communication with individual citizens in a community. The good practice of biannual reviews of their work should be re-established and continued, as well as the regular exchange of experiences among current contact officers at annual conferences.
82. The Prevention and Community Policing Department should be adequately staffed, and its members should receive training, exposure to international experiences and best practices in community policing, and budget to support contact police officers and their supervisors. The leadership of the Police Directorate should ensure that the Department has a clear mandate to perform its tasks and the resources to do it. This should include a mandate to coordinate and support community policing

initiatives delivered by all parts of the Police Directorate, not only by the General Jurisdiction Police Sector in which the Department is situated.

83. The Police Directorate should commence the renewal of community policing by careful planning of human resources – primarily for additional contact police officers and their supervisors. The selection of contact police officers and their supervisors should be expanded so to involve more women and representatives of ethnic groups, with an aim to be as representative of as possible.
84. The renewal of community policing in Montenegro should particularly focus on two key issues: (a) Each school in Montenegro should have the attention of and access to designated contact police officers; and (b) Contact police officers should be actively present in suburbs of Podgorica inhabited by the Roma, while those deployed in Albanian-speaking areas should receive language training.
85. The future development of community policing should be aimed at introduction and embedding it into all aspects of policing, so that it becomes an integral part of the police culture and ethos. Besides traffic and border police, it should primarily expand into structures dealing with crime prevention, investigation and suppression and with criminal intelligence. This should include pilot projects and development of relevant procedures. All police officers, of all ranks, should as a minimum receive in-service orientation on community policing, so that its values are internalised and embedded within the whole service. It is also necessary to improve the coordination between different police branches.
86. Active coordination between the police and other relevant authorities at the local level should be established, to provide effective and efficient response to key safety and security concerns of local communities. For this purpose, joint teams, joint risk assessments, and protocols for joint reaction to citizens' demands could be established. An advanced step would be the institutionalisation of local partnership in the form of municipal safety councils.
87. The Police Directorate should adopt a formal policy on community policing, further operationalised into a set of instructions for police officers of different ranks. The future policy for community policing would also need to contain information for police managers regarding the issues such as criteria for selection of contact police officers, designated contact regions, methods of evaluation, etc.
88. Community policing should be enriched with the creation of consultative spaces wherein interested stakeholders will cooperate in the identification and solution of local safety issues. An introduction and development of an institutionalised partnership between police and local authorities should be considered, possibly in the form of municipal safety councils. A partnership with the Union of Municipalities of Montenegro should be sought, aimed at developing a country-wide platform for capacity development and exchange of experiences and best practice.
89. The Border Police Sector should continue implementing and developing its community-oriented approach.
90. Police organisation and management should ensure sustainable implementation of community policing throughout Montenegro, which should include the de-concentration of decision-making, as well as organisational changes oriented towards a structure in which fewer managers supervise a greater number of police officers. Community policing and decentralised decision making should be a part of police management training, which would include building skills and aptitude of local police managers to support their greater involvement in the development of community safety strategies and in working with local initiatives concerned with community safety.

INSTITUTIONAL FRAMEWORK FOR POLICE REFORM

Police reform is one of the key processes for establishing the functioning rule of law in Montenegro and for its democratisation. Functional policing within a functional criminal justice sector (which also includes prosecution, judiciary and penal systems) is vital for establishing and maintaining the overall safety, security and stability of the country, which is in turn essential for its overall development – societal, economic, cultural and political.

While policing is usually perceived through aspects of it that are more visible to the general public (such as community policing, crime fighting, traffic policing or border security), it is often neglected that the less visible components of the law enforcement are actually its backbone. The purpose of this chapter is therefore to offer an assessment of the main developments since 2012 in those areas of the law enforcement system which do not necessarily constitute the core of policing, yet are of vital importance for its functioning. They will be covered through sections that analyse the place of the Police Directorate within Montenegro's criminal justice and security systems, as well as within public administration in general, the Police Directorate's organisation and structure, its human resources management (including police education and training), and its financial management.

Before proceeding to a more in-depth analysis, two key findings of the research for this OSCE Report ought to be highlighted, as these will be addressed in some detail.

1. The first key finding is that after the Police Directorate was separated from the Ministry of Interior in early 2019, it was left without direct influence over a number of mechanisms of significance for its own strategic development, as they remained within the Ministry.
2. The second key finding is something of a paradox, in that while Montenegro has one of the highest ratios of police officers to general population,⁴ there is a constant lack of staff for a number of policing duties.

4 With one police officer per 141 inhabitants, Montenegro has the second highest such ratio in Europe (after Monaco). Police Directorate currently has 4610 employees (its systematisation envisages 4820). Among them, there are 4413 sworn officers and 197 civilian public servants. The latest (1 January 2019) official estimate of the total population of Montenegro is 622,182 inhabitants. See: Statistical Office of Montenegro – MONSTAT (2020) *Population estimations – Data: Estimated number of population on 1 January*. Available: www.monstat.org/userfiles/file/demografija/procjene%20stanovnistva/2018/procjene%20cg%20pol%20starost%201%20januar.xls (Accessed: 15 September 2019).

The former is related to the position of the Police Directorate within the state apparatus, while the latter is primarily related to its internal management, which is partly a consequence of the first finding.

1.1. POLICE DIRECTORATE WITHIN MONTENEGRO'S PUBLIC ADMINISTRATION

In both an institutional and organisational sense, policing in Montenegro has gone through a very dynamic period since 2012. At the beginning of the reporting period, the Police Directorate was reintegrated into the Ministry of Interior, which lasted until the beginning of 2019, when it was re-established as a separate public authority,⁵ with the Ministry retaining some very important competences in the areas of internal control, professional standards, human resources management, financial management, and strategic planning.

These changes, rather drastic in a relatively short period of time, were only the continuation of a series of structural changes of the police organisation in Montenegro. In 2001, at the beginning of the police reform process—which coincides with the beginning of the OSCE engagement in supporting it—the police were fully integrated within the Ministry of Interior, as its Public Security Sector.⁶ In 2005 it was renamed the Police Directorate and taken out of the Ministry, a move which was at the time suggested and supported by the OSCE, as a move towards depoliticisation and greater operational independence of one of the key public authorities in Montenegro.

Such institutional rearrangements occurred too often, but it must be stressed that this was by no means due to the police. Rather, it was a consequence of political interference, in which the police were only a subject of relations and competition within the then-ruling coalition. For a decade (2006—2016), the post of the Minister of Interior has been occupied by three senior figures of the Social Democratic Party (SDP). Having been a junior coalition partner to the Democratic Party of Socialists (DPS), control over one of the key ministries was an important political instrument for the SDP. It was on their insistence that the Police Directorate was reintegrated into the Ministry of Interior in 2012. However, in 2016, after almost two decades, the political partnership between DPS and SDP ended. The latter also split over the issue of this partnership, but its faction that remained loyal to the coalition lost the political leverage to dictate the institutional position of police. After this rift, a provisional government was formed by the ruling parties and part of the opposition—with a mandate to prepare early parliamentary elections—and in it the ministerial post was occupied for several months by an MP from the opposition. After this early election took place in 2016, the DPS remained the pivot of the governing coalition and regained the Minister of Interior for the first time since 2006, which created a political climate in which the Police Directorate could re-emerge as a separate public authority, which eventually happened on 1 January 2019.

Such drastic institutional and organisational changes, occurring over a relatively short period of time, produce a significant level of stress on a complex system dealing with complex tasks. They can hardly have a positive impact on policing—especially if they occur as a consequence of the interference of political parties motivated by their own interests—and should therefore be avoided.

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5 As per the Government's *Decision on Organisation and Functioning of State Administration* of 6 December 2018 (*Službeni list Crne Gore [Official Gazette of Montenegro]* No. 87/2018, Art. 4 and 22). At the same session, the Government also adopted the corresponding *Draft Law on Amending the Law on Internal Affairs* and sent it to the Parliament, where its adoption is pending.

6 The Ministry's other component, the intelligence (State Security Sector), was separated from it in 2005 and established as the National Security Agency (ANB).

Three important aspects of the second separation of the Police Directorate from the Ministry of Interior emerged as findings of the research conducted for this OSCE Report and need to be emphasised:

1. It resulted in organisational changes in which some of the previously shared capacities were divided between the two authorities. Most notable among them are human resources management and information technologies.
2. The Police Directorate does not have a proper leverage over strategic planning of policing in Montenegro, as the Ministry of Interior retained competences in this area through its Strategic Development Directorate.
3. The Ministry of Interior remains in charge of overseeing police on behalf of the executive branch of government, through two of its organisational units: the Oversight Directorate and the Internal Police Control Department.

Before the separation of these two public authorities, the Ministry of Interior maintained the capacities to serve them both. The organisational changes had a consequence, in that **some of the previously shared capacities are now divided** between the two authorities. Most notable among them are human resources management and information technologies. This raises a concern that the Police Directorate may be left with insufficient resources for unhindered conduct of its tasks – especially in supporting capacities, which are themselves not policing, but without which policing would be impossible. A general conclusion of the research for this Report is that this separation process was quite mechanical in a number of its aspects and that the change management has not been planned with sufficient attention for such a complex and important process. A general recommendation would be that the current institutional and organisational outcomes of the separation of the Police Directorate from the Ministry of Interior would require a thorough reassessment (functional analysis), which would ultimately lead to a number of readjustments.

Within its Service for ICT and Technical Oversight Security and Systems, the **Ministry of Interior retained the strategic level of IT systems used by the Police Directorate**. As a part of the separation of two authorities, some members of the staff of this service were transferred from the Ministry into the Police Directorate, i.e. into its Information Security and Data Processing Centre. The scope of competences of this newly formed centre is limited to maintenance of hardware and software and to provide ‘helpdesk’ support to users within the Police Directorate, without a role in designing and developing the architecture of IT systems used by the police throughout Montenegro. The rationale for this was that the Ministry of Interior as the primary authority in Montenegro for civic affairs, which includes the holding of administrative information on citizens and foreign residents, thus maintaining databases with information which are used for various administrative purposes (e.g. the Central Registry of Population or the Registry of Voters), such as issuing various personal and travel documents (mainly identification cards, passports, driving licences, and licence plates for vehicles).⁷ This rationale is reasonable and understandable, in the sense that there is a need for such capacities to be consolidated, rather than dispersed between various authorities, yet it cannot apply

7 These were designated by the Government of Montenegro in the following way: “Ministry of Interior performs the tasks related to: [...] preparing regulation in the areas of civic affairs, personal and other documents of citizens, migrations, international and temporary protection of foreigners and readmission; keeping the Central Registry of Population; citizenship; travel documents; immigration; giving permissions for international and temporary protection of foreigners, naturalisation, identification cards, address of Montenegrin citizens and keeping the registry of addresses; [...] work and temporary and permanent stay of foreigners in Montenegro and keeping regulated registries related to it; keeping the registry of voters; unique citizen’s number; personal name; matriculation registries; registry of vehicles and drivers; [...]”. Government’s *Decision on Organisation and Functioning of State Administration* of 6 December 2018 (*Službeni list Crne Gore [Official Gazette of Montenegro]* No. 87/2018, Art. 4).

when it comes to police databases, such as:

- Database of criminal acts, perpetrators, and victims,
- Fingerprint database (AFIS),
- DNA database (CODIS),
- Database of missing persons and items,
- Database of events and conduct upon them,
- Database of arrests,
- Confiscated items database,
- Registry of crossing the border,
- Registry of foreigners' stay up to 90 days,
- Database of public order misdemeanours, and
- Database of traffic accidents.

In addition to these being defined as police databases in several laws,⁸ this is the usual practice in many countries (even when police services are integral parts of ministries), as well as an imperative for international police cooperation. The Police Directorate should therefore take over these databases and be fully capable of developing and maintaining IT capacities that are used exclusively for their operational purposes. Apart from oversight of legality and purposefulness of police conduct, there is no need for another role in this by the Ministry of Interior.

The 2019 separation from the Ministry of Interior **left the Police Directorate without its own capacities for strategic planning**, as the former retained this key competence through its Strategic Development Directorate (headed by a politically appointed Director), which has three Sub-Directorates: (1) the Sub-Directorate for Police Development and Normative Affairs, (2) the Sub-Directorate for strategic planning and (3) the Sub-Directorate for Training and Professional Education, which is subdivided into two Sections: (a) the Section for Training and Professional Education of Police Officers and (b) the Section for Training and Professional Education of Public Servants and Employees. As per the official definition made by the Ministry of Interior, the Strategic Development Directorate performs the tasks related to:

Monitoring the situation in the area of fighting against crime, border security, public law and order, protection of persons and property and other tasks, and strategic planning in it; developing strategies and analyses within the competences of the [Strategic Development] Directorate and Police Directorate, and organising public, expert and other discussions [on them]; providing instruction and advice on the implementation of strategies and policies in these areas; monitoring the trends of developing of policing and home affairs and in developed democratic countries and proposing solutions for Montenegro; realising the process of harmonisation of legislation in the area of policing with international standards and especially with the EU's legal system; implementing the set programmes of cooperation with international and regional organisations, institutions and other subjects; drafting laws and bylaws related to policing in the areas of fighting against crime, border security, public law

8 Law on Internal Affairs, Law on Public Order, Law on Foreigners, Law on Border Control, and Law on Road Traffic Safety.

and order, protection of persons and property and other areas of policing and organising public, expert and other discussions related to this; preparing opinions on draft laws and other regulations in this area; ensuring the coordination of training with development programmes, as well as [ensuring the] continuous professional education of police officers; development of multiannual directions in the area of police education; monitoring career development of police officers; planning the training of police officers and monitoring its implementation; and other tasks within the Directorate's scope of work.⁹

With regard to comparative international practice, it is not uncommon that the division of roles between the formally separated authorities involved in law enforcement—when one is politically accountable for law enforcement (ministry) and the other tasked to deliver it operationally (police service)—is such that the former provides strategic and policy guidance to the latter. Such institutional arrangements should be welcome in Montenegro too. However, it must be noted that this separation in Montenegro was conducted in a way that the latter is left bereft of many of the effective instruments in this area.

The level of competences that remained within the Ministry of Interior are such that the Police Directorate now formally lacks some key instruments for planning and developing strategies and policies needed to effectively carry out its work. Indeed, it may not be an overstatement to say that the Police Directorate's hands are, in many respects, tied. Providing strategic and policy guidance to the police must not be confused with managing the activities of the police.

The Ministry of Interior should be tasked with setting strategic objectives, supporting the police in obtaining resources for achieving them, monitoring if the Police Directorate is meeting the set objectives, and overseeing it on behalf of the executive branch of the government. However, the Ministry should not do these things instead of the Police Directorate. Especially if it possesses neither the proper insight into the needs of the police, nor the adequate expertise on policing, which may be the case in Montenegro. Conversely, it is critical that the Police Directorate has full professional autonomy and therefore the ability to deliver results towards achieving the set policy and strategic goals.

It should also be stated that the staff of the Ministry's Strategic Development Directorate are civilian public servants, without much policing expertise. Not a single one out of the 21 systematised staff posts in this Directorate has a formal requirement to be occupied by staff who possess any specific expertise nor experience in policing whatsoever. The staff are instead required to have a degree in social sciences (usually law degree), a certain number of years of experience in public administration, and must have passed a state exam required for working in public authorities.¹⁰ While not all public servants involved in providing police with strategic and policy guidance need (nor should) be professional police officers, some substantial level of police expertise and experience should be required. One option could be the transfer of some of the top police experts, those with substantial experience, from Police Directorate to the Ministry of Interior. However, given the scarcity of resources, this may not be viable as it could leave the Police Directorate without some of their most experienced and competent members. This ought to be supplemented with adequate training (an orientation course) on policing in general and specifically on Police Directorate for the relevant Ministry employees.

Taking into account previous good practices with strategic planning within the police, it may be more appropriate to conclude that Police Directorate should be building its own capacity for strategic planning, sep-

⁹ Government of Montenegro, Ministry of Interior (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Ministarstva unutrašnjih poslova [Rulebook on Internal Organisation and Systematisation of the Ministry of Interior]*, Art. 4.1.

¹⁰ Ibid. Art. 20.

arate from the Ministry of Interior, which would be tasked with these matters (such as human resources planning, including police training and professional development) and which should be answering directly to the Police Director. Such strategic planning capacities (preferably organised as a new organisational unit) can build upon the experiences of the former Strategic Planning Unit—which played a major role in police reform during its first decade and which has been described by the OSCE as ‘the engine of that process’¹¹—as well as upon the experiences of its successor from the previous period in which Police Directorate was an authority separate from the Ministry of Interior, the former Department for Planning, Development and Analysis. In current organisational and institutional terms, the Police Directorate has a good starting point for creating that capacity and for making it operational in short time, in the Department for Analytics and the Improvement of Policing and in the Police Director’s Adviser.

The role of **overseeing the police by the executive branch of government rests with the Ministry of Interior**. Two of its organisational units are performing this task and they are both answering directly to the Minister – the Oversight Directorate and the Internal Police Control Department.

The Internal Police Control Department is analysed in this Report’s chapter *Police Accountability*, but it is sufficient to say now that it is technically not an internal control but external, as it sits outside of the Police Directorate. It is, however, manned by experienced police officers. At the time when the Police Directorate and the Internal Police Control Department were both situated within the Ministry of Interior, transfers of staff between the two did not pose much of an administrative challenge, but it will be more complex now, though it will be necessary due to the very nature of the work of internal police control.

The Ministry’s Oversight Directorate is headed by a politically appointed director and has four Sub-Directorates: (1) the Sub-Directorate for Security Affairs and Oversight over Police Directorate, (2) the Sub-Directorate for Oversight in the Area of Protection of Persons and Property and Detective Activity, (3) the Sub-Directorate for Oversight in the Area of Prevention of Money Laundering and Terrorism Financing and International Restrictive Measures, and (4) the Sub-Directorate for Schengen Coordination. The Sub-Directorate for Security Affairs and Oversight over Police Directorate is further subdivided into three Sections: (a) the Section for Security Oversight Affairs, (b) the Section for Administrative Oversight over Police Directorate, and (c) the Section for Second-Degree Instance Administrative Procedures. As for the Oversight Directorate’s tasks, they are all, in one way or another, related to policing and formally defined as follows:

Enacting decisions on designating a person based on substantiated belief that it is a terrorist, that it finances terrorism, that it is involved in the activities of or support to a terrorist group or conducting a terrorist act, as well as keeping registry of limiting the entry to Montenegro on this basis; oversight over the security protection of the Ministry and protection of confidential data of interest for home affairs; monitoring the implementation of measures, efficacy and results on increasing and strengthening the integrity within the Police Directorate; administrative oversight and control over the legality and purposefulness of the work of Police Directorate; providing expert instructions and warnings on observed deficiencies in work, as well as performing other control, in accordance with the regulations; administrative deciding on complaints on the acts issued by Police Directorate and performing other competences of the second-degree instance in administrative procedure; monitoring the implementation of strategies and other planning documents from the Police Directorate competences; monitoring the implementation of recommendations for the improvement of work of the Ministry and Police Directorate; coordination of national activities aimed at monitoring the monitoring the implementation of measures and procurement of material and technical resources envisaged by the Schengen Action Plan; oversight over the imple-

11 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 37.

mentation of the law, within the scope of competences of the Directorate; and other tasks within the Directorate's scope of work.¹²

From a comparative perspective, the scope of work defined in such a way, for an authority in charge of performing oversight over police on behalf of the executive branch of government, falls within the parameters of good international practices. This type of oversight is designed to ensure the respect of professional standards in the police service.

The situation with the Oversight Directorate's personnel, however, sheds a different light on its ability to function effectively and perform the role of an authority that is tasked with upholding professional standards in the police. This Directorate has 35 systematised staff posts. Of these, 22 are designated for police officers, with full police authority, while 13 posts are designated for civilian public servants.¹³ In reality, a number of posts designated for police officers are staffed by civilian public servants without any policing experience. This should by no means be the case. Every modern police service has a very important role for civilian expertise, yet nothing can be achieved if civilian public servants are simply given police ranks to fill in the posts designated for police officers with the appropriate experience and knowledge.

1.2. ORGANISATION AND STRUCTURE OF THE POLICE DIRECTORATE

In its 2018 *Decision on Organisation and Functioning of State Administration*, the Government of Montenegro defined the following roles and tasks for the Police Directorate:

Police Directorate performs the tasks which are related to: protection of security of citizens and constitutionally defined freedoms and rights; protection of property; prevention and revealing of criminal acts and misdemeanours; finding and capturing perpetrators of criminal acts and misdemeanours and bringing them in front of competent authorities; maintaining public law and order; securing public events and other gatherings of citizens; securing select persons and facilities; oversight and control of road traffic safety; oversight and securing of the state border and performing border control; control of entry, movement, stay and exit of foreigners; gathering, analysing and delivering to competent authorities of data, information and documentation needed for discovering money laundering and terrorism financing; defining standards and methodologies for establishing and developing policies, procedures and practice of recognising suspicious transactions; developing special programmes for the prevention of money laundering and checking terrorism financing transactions, with procedures, control programmes, checks of and persons that are under grounded suspicion of money laundering or terrorism financing; timely stopping of transactions; initiating the change and amending the regulation about or related to prevention and discovery of money laundering and terrorism financing; establishing international cooperation with licensed foreign authorities and international organisations; participation in preparation and completion of lists of indicators for identifying suspicious transactions; participation in training of employees and licensed personnel in compe-

12 Ministry of Interior, Government of Montenegro (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Ministarstva unutrašnjih poslova [Rulebook on Internal Organisation and Systematisation of the Ministry of Interior]*, Art. 5.1.

13 Ibid. Art. 21.

tent authorities, defining guidelines for developing risk analyses; publicising statistical data in the area of prevention and identification of money laundering and terrorism financing; crime forensics and investigation, crime and other databases; international police cooperation; developing analyses, elaborates, studies and following certain security matters; as well as other tasks given to its competence.¹⁴

One thing in this definition sticks out as both very obvious and highly unusual – more than half of the officially designated tasks of the police service are dedicated to money laundering. More is said about that later in this chapter, in the part on police organisation at the central level (specifically about the Sector for the Prevention of Money Laundering and Terrorism Financing), but in cannot be unnoticed how this demonstrates that the process of re-emergence of Police Directorate as a separate authority lacked the adequate degree of planning. Namely, the former Administration for the Prevention of Money Laundering and Terrorism Financing was transferred into Police Directorate (for reasons that are discussed below), but this definition of the latter points to conclusion how this must have been done mechanically, with quite a haste and without much thoroughness in change management. The designation of Police Directorate's tasks should reflect the nature of a police service. The right occasion for that will be the upcoming Law on internal Affairs.

1.2.1. Organisation of Police Directorate at the Central Level

After the re-establishment of the Police Directorate as a separate authority, it was also reorganised. At the central level it now has 12 organisational units which are directly subordinated to Police Director – eight sectors (headed by Assistant Police Directors) and four other organisational units (three departments and one centre). In addition, the eighth Assistant Police Director coordinates four supporting organisational units. Territorially, the work of Police Directorate is organised through eight security centres, which are further subdivided into 10 security departments (in mid-size municipalities) and four police stations (in the smallest municipalities).

The seven sectors are:

1. General Jurisdiction Police Sector (i.e. uniformed police)
2. Criminal Investigations Sector
3. Sector for the Fight against Organised Crime and Corruption
4. Border Police Sector
5. Sector for the Protection of Facilities and Persons
6. Special Police Sector
7. Sector for the Prevention of Money Laundering and Terrorism Financing

¹⁴ Government's *Decision on Organisation and Functioning of State Administration* of 6 December 2018 (*Službeni list Crne Gore [Official Gazette of Montenegro]* No. 87/2018, Art. 22).

Other organisational units at the level of Police Directorate:

1. International Cooperation and Public Relations Department
2. Department for Analytics and the Improvement of Policing
3. Internal Audit Department
4. Forensic Centre

Organisational units for support, coordinated by the eighth Assistant Police Director:

1. Department for Telecommunications and Electronic Technology
2. Information Security and Data Processing Centre (i.e. IT centre)
3. Service for Human Resources, Personnel and Legal Affairs
4. Service for Financial, General and Support Affairs

The seven sectors represent the main branches of policing. They are further subdivided into departments, centres and units.

General Jurisdiction Police Sector performs the tasks of what is usually described as **uniformed police**. It has six organisational units:

1. Public Law and Order Department
2. Road Traffic Safety Department (i.e. traffic police)
3. Prevention and Community Policing Department
4. Department for Persons and Property Protection and Detective Activity
5. Department for the Enforcement of Forced Collection Procedure
6. Operation and Communication Centre

Criminal Investigations Sector is divided into seven departments:

1. General Crime Department
2. Economic Crime Department
3. Department for Prevention and Suppression of Drugs Abuses
4. Department for Suppression of Smuggling of and Trafficking in Persons and Illegal Migrations
5. Special Investigative Methods Department
6. Criminal Intelligence Department
7. International Operational Police Cooperation Department (Interpol-Europol-Sirene)

Sector for the Fight against Organised Crime and Corruption is divided into five departments:

1. Special Police Department – working under orders from the Special State Prosecutor and composed of two organisational units:
 - 1) Group for Investigating Organised Crime, Terrorism and War Crimes
 - 2) Group for Investigating High-Level Corruption and Money Laundering
2. Serious Crime Department
3. Drugs Smuggling Department
4. Witness Protection Department
5. Special Operational Support Department

Border Police Sector is composed of six organisational units:

1. State Border Supervision Department
2. Border Checks Department
3. Department for Foreigners, Visas and Suppression of Illegal Migrations
4. Operational Work and Risk Analysis Department
5. Mobile Unit
6. National Communication Centre

This Sector's field presence is geographically organised into three Regional Border Police Centres:

1. North (HQ in Bijelo Polje)
2. Centre (HQ in Podgorica)
3. South (HQ in Budva)

Sector for the Protection of Facilities and Persons is composed of three departments:

1. Department for Security of Persons
2. Department for Security of Foreign Protected Persons
3. Department for Security of Facilities and Diplomatic and Consular Offices

Special Police Sector is composed of three units:

1. Counter-Terrorism Unit (PTJ)
2. Special Police Unit (PJP)
3. Support and Logistics Unit

Sector for the Prevention of Money Laundering and Terrorism Financing has two departments:

1. Department for Analysis and Suspicious Transactions
2. Department for International Exchange of Intelligence and Information

The number of Sectors almost doubled after the separation of Police Directorate from the Ministry of Interior. Those that existed during the previous institutional setup are: the General Jurisdiction Police Sector, the Criminal Investigations Sector, the Border Police Sector, and the Sector for the Protection of Facilities and Persons. As described in the last OSCE Report,¹⁵ during the previous period when Police Directorate was an independent authority (2005—2013), it comprised of five Sectors – these four and the Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems. When the Police Directorate was integrated into the Ministry of Interior in 2013, this Sector was merged with the corresponding organisational unit of the Ministry. Its tasks are today not consolidated in a single Sector, but are conducted by four organisational units coordinated by one of eight Assistant Police Directors. Their consolidation into a new **Sector for Human Resources, Finances and Technical Support** would, however, be advisable.

Three of the Police Directorate's current Sectors are entirely new: Sector for the Fight against Organised Crime and Corruption, Special Police Sector, and Sector for the Prevention of Money Laundering and Terrorism Financing. There are reasons for their creation, but there are also reasons to make considerations about the necessity for their separate existence and, subsequently, about the possibilities of merging them with other organisational units of Police Directorate.

While the work of specific sectors will be analysed in other chapters of this Report, certain observations about some of them ought to be highlighted here, from the perspective of structure and organisation of the Police Directorate, as one of the most complex and most sensitive parts of public administration and public sector in Montenegro.

Sector for the Fight against Organised Crime and Corruption was carved out of the Criminal Investigations Sector, with the rationale that organised crime and corruption (especially high-level corruption and including political corruption) posed a problem of great magnitude and significance for Montenegro. This is often indicated by the European Union and other international actors, which makes it an issue of immeasurable importance for a country which is a candidate for membership in the European Union.

Such political rationale is perfectly clear and understandable, but it has opened a question with regard to whether it has resulted in the organisationally most rational and effective way of tackling organised crime and high-level corruption. This organisational setup ought to be viewed also in the light of the availability of resources, as well as in the light of the fact that this Sector now has to heavily rely on the capacities of another Sector within the Police Directorate, i.e. of the Criminal Investigations Sector, such as those that belong to its Special Investigative Methods Department, Criminal Intelligence Department, and International Operational Police Cooperation Department (Interpol-Europol-Sirene). The functioning of this new organisational setup might need some time for evaluation, but the Police Directorate should be open to reconsidering the reintegration of these two Sectors. Doing so could potentially lead to a consolidation of police resources dedicated to fighting against crime, and thus to a more efficient fight against organised crime and high-level corruption.

Sector for the Protection of Facilities and Persons provides close protection to a certain number of officials, as well as the protection of a number of official buildings and other facilities. It is indeed a striking finding that, with 467 employees, this Sector makes over 10% of the entire personnel of Police Directorate. Close protection of officials should be reassessed and used only if commensurate with identified threats to their personal security. Furthermore, the protection of governmental buildings and facilities—including those belonging to the Police Directorate—does not require quali-

15 Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), pp. 17—19.

fied police officers. When it comes to the protection of courts, it should, in any event, be the responsibility of the Ministry of Justice. The level of complexity of these tasks is such that they could easily be outsourced and performed by less-qualified staff of private companies for physical and technical security. In short, it is an unnecessary and rather expensive absorption of resources that so many fully trained police officers (more than one in every 10) are currently tied up in performing rather routine security duties, which neither need nor merit such a high level of skills and qualifications. Police should be relieved of such duties and by doing so police resources could be redirected toward performing proper policing tasks, which would help achieve three effects:

1. The increase of number of police officers engaged in performing police tasks, such as community policing, would lead to an increase of general levels of safety and security.
2. This would provide much greater police presence and visibility in the public, which would lead to a greater trust of citizenry in the police.
3. Over time, it would make significant budget savings, as the financial resources used for training police officers would result in training people who perform policing tasks, rather than the duties of security guards.

Such reorganisation would also pose the question of the need for a separate Sector for the Protection of Facilities and Persons. The remaining personnel of this organisational unit could be placed within the General Jurisdiction Police Sector or—having in mind the fact that most of their duties are performed in the capital—under the Security Centre Podgorica. International experiences vary, but few police services have their protection capacities grouped in an organisational unit of a status equal to organisational units dedicated to criminal investigations, uniformed policing or border policing. Namely, the nature of these tasks is not such that they form a distinctive type of policing, as it is the case with the aforementioned three main police branches.

The creation of **Special Police Sector** came in partial fulfilment of the OSCE recommendations from the previous two reports on policing in Montenegro,¹⁶ as two special units (Counter-Terrorism Unit, PTJ and Special Police Unit, PJP) now do not have separate but shared supporting and logistical capacities. There is still, however, a considerable overlap of human and technical capacities and man-

16 “A consolidation of special police units and capacities should occur, with rationalisation of resources, demilitarisation and de-politicisation as guiding principles.”

Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 65.

Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 33.

dates¹⁷ (as noted in the previous two OSCE Reports on police reform in Montenegro¹⁸), so given the scarcity of resources in Montenegro and its law enforcement system, their full merging should be considered as the next logical step in police reform.

Members of these units have, furthermore, still remained rather detached from the rest of the police service.¹⁹ Their further integration into it will be needed, as the current culture of exclusivity nurtured within the special police forces is more adequate for military units and does not meet the need to build an open police service with a high level of public confidence and trust. Both of the previous OSCE Reports have recommended that the Montenegrin Police Directorate learns from the practice of a number of European police services, in which members of such units are police officers above all, who as such participate in regular police duties and engage with the community when not carrying out their specialised tasks or when not undergoing specialised training. In addition to their larger integration with both the police service and the wider community, and in addition to the overall savings of Police Directorate's resources, this would also help their career development, as their members would have an easier transition to regular duties once they reach the age which limits them in performing special police tasks.²⁰ This could also be viewed the other way around, as some

17 **Counter-Terrorism Unit** conducts tasks related to: suppression of and fight against all forms of terrorism; solving the most complex kidnappings, hostage and other crisis situations; arresting the members of organised crime groups and perpetrators of the most serious crimes; assisting [other] organisational units of Police Administration in situations in which firearms resistance is expected; special security of senior officials and facilities of special importance; sniper operations; diving interventions and rescue actions in cases of natural and other disasters; assistance to and cooperation with special police forces of other countries; reporting on fulfilling the set goals; and other tasks within the competences of the Police Administration.

Government of Montenegro (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Uprave policije [Rulebook on Internal Organisation and Systematisation of Police Administration]*, Art. 9.2.

Special Police Unit conducts tasks related to: suppression of and fight against all forms of terrorism and organised crime; support to Counter-Terrorism Unit in solving hostage and other crisis situations; arresting the members of organised crime groups and perpetrators of the most serious crimes in cases of increased security risk; re-establishment of public law and order disrupted on a larger scale; security of public gatherings and manifestations with the highest degree of risk; coordination of intervention units in crisis circumstances and circumstances of larger scale public law and order disruption; assisting [other] organisational units of Police Administration in performing complex tasks; securing persons and facilities of special importance; supporting state institutions in alleviating the consequences of natural and other disasters; organising, studying and suggesting the use of modern methods and tactics in performing the most complex tasks; assistance to and cooperation with special police forces of other countries; reporting on fulfilling the set goals; developing standard operative procedures for the Unit's conduct in performing the most complex security tasks; and other tasks within the competences of the Police Administration.

Government of Montenegro (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Uprave policije [Rulebook on Internal Organisation and Systematisation of Police Administration]*, Art. 9.3.

18 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 40.

Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 20.

19 This was demonstrated in October 2015, during the engagement of the then-Special Anti-Terrorist Unit (SAJ, later rebranded Counter-Terrorism Unit, PTJ) in a violent crackdown on opposition protests, and even more during the subsequent massive attempts to cover-up the abuse of power, which is a subject of the *Police Accountability* chapter of this Report.

20 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 40.

Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 20.

of the tasks currently designated to special police units (such as securing public gatherings, e.g. big sport events) could be performed by the regular uniformed police (given that they are trained and equipped adequately), as their additional task on not very often occasions, which is the case in many police services around Europe.

Finally, and bearing in mind the relatively low levels of risks from terrorism in Montenegro, as well as the size of its police service, it should be considered whether the Police Directorate really needs such highly specialised capacities, which are seldom (if ever) used. That being the case, a transfer of some of the highly specialised staff (such as snipers and divers) from the police to the military should be considered, which would lead to consolidation of resources within the security sector of Montenegro. A requirement that members of the special police are functioning as police officers above all, with internalised police values and police culture, should be translated into a policy that they are recruited exclusively from the police ranks and not directly from the public, and only after a mandatory minimum of time (e.g. three years) spent performing other police duties.

Sector for the Prevention of Money Laundering and Terrorism Financing is Montenegro's national financial intelligence unit (FIU). Before 2019 it was an independent authority overseen by the Ministry of Finance, called the Administration for the Prevention of Money Laundering and Terrorism Financing. Due to absence of results in investigating money laundering, as well as the fact that money laundering in Montenegro is related to high-profile corruption and organised crime, the Government decided to integrate it into Police Directorate,²¹ the rationale being that it would perform better in fulfilling its roles if placed under the authority which is primarily designated to confront these issues which are at the top of European Union's priorities in Montenegro. This has, however, caused international consequences – in spring 2019 Montenegrin FIU was excluded from the Egmont Group of national FIUs.²² This happened because this organisational change deprived Montenegrin national FIU of its previous status of an independent authority.²³ In addition, the police organisation itself was distorted, because now more than half of the Police Directorate's officially designated tasks are dedicated to money laundering.²⁴ Such disproportion is very unusual for a police organisation²⁵ and this

21 It is not very common that an FIU is integrated into a police service, but there are such cases (e.g. Estonia, Finland, Ireland, Japan, New Zealand, Slovakia, Sweden).

22 Council of Europe (2020) *4th Round Mutual Evaluation of Montenegro: Revised Exit Follow-Up Report Submitted to MONEYVAL: Written Analysis on Progress in Respect of the Core and Key Recommendations*, p. 13.

23 in the meantime, in December 2019, Montenegrin FIU applied for readmission into the Egmont Group, and the application is sponsored by Albanian and Azerbaijani FIUs.

24 "[...] gathering, analysing and delivering to competent authorities of data, information and documentation needed for discovering money laundering and terrorism financing; defining standards and methodologies for establishing and developing policies, procedures and practice of recognising suspicious transactions; developing special programmes for the prevention of money laundering and checking terrorism financing transactions, with procedures, control programmes, checks of and persons that are under grounded suspicion of money laundering or terrorism financing; timely stopping of transactions; initiating the change and amending the regulation about or related to prevention and discovery of money laundering and terrorism financing; establishing international cooperation with licensed foreign authorities and international organisations; participation in preparation and completion of lists of indicators for identifying suspicious transactions; participation in training of employees and licensed personnel in competent authorities, defining guidelines for developing risk analyses; publicising statistical data in the area of prevention and identification of money laundering and terrorism financing [...]"
Government's *Decision on Organisation and Functioning of State Administration* of 6 December 2018 (*Službeni list Crne Gore [Official Gazette of Montenegro]* No. 87/2018, Art. 22).

25 The share of these tasks in the overall activities of the Police Administration is can be illustrated by the fact that only 0.9% of its 2019 budget is earmarked for the budgetary programme titled *Prevention of Money Laundering and Terrorism Financing*.

fact suggests that this merger happened in haste and without the degree of planning which would have normally been adequate for managing such a complex and sensitive organisational change.

Most of the staff of this Sector are not police officers, but financial experts. People with such expertise are necessary for a modern police service, but a question remains whether this small²⁶ and essentially non-policing organisational unit, which performs very specific and highly specialised tasks, fits into the Police Directorate's organisation. Although a non-police organisational unit, FIU is currently defined as a sector on par with the fundamental modes of policing such as uniformed, investigative and border policing. Since the renewal of Montenegrin FIU's international status requires an adequate level of operational independence, the way of emphasising its non-police status within the Police Directorate organisational structure ought to be considered. Its head should, as it is the case now, be appointed by the Government of Montenegro, while the FIU remains directly supervised by the Police Director, who also could support its work by engaging investigative police capacities when needed. The leading principles in considering the FIU's place and status within Montenegro's public administration should be: (1) its international status and (2) the assessment of the Government's decision to integrate it into the Police Directorate, based on results accomplished since then in the field of prevention of money laundering and the financing of terrorism.

Taking everything into account, it can be concluded that the Police Directorate's organisational consolidation could be centred around four basic Sectors, representing the three main branches of policing and their administrative, technical and logistical support:

1. General Jurisdiction Police Sector,
2. Criminal Investigations Sector,
3. Border Police Sector, and
4. Sector for Human Resources, Finances and Technical Support.

Alternatively, if the Government continues to insist on separate organisational unit dedicated to fighting organised crime, the fifth one could be the existing Sector for the Fight against Organised Crime and Corruption. As for the FIU's place and status, it should depend on its international status, as well as on the Government's assessment of the correctness of its decision to integrate it into the Police Directorate, based on the results accomplished since then in the field of prevention of money laundering and the financing of terrorism.

1.2.2. Territorial organisation of the Police Directorate

As already stated, the Police Directorate is territorially organised through eight security centres (regional level), which are further subdivided into 10 security departments (in mid-size municipalities) and four police stations (in smallest municipalities). This structure follows (almost exactly²⁷) the division of Montenegro into local self-government units.

1. Security Centre Podgorica
 - Security Department Danilovgrad

²⁶ Out of 35 systematised posts, 22 are currently occupied.

²⁷ The only municipality that is currently not covered by its own police territorial unit is the newly formed Municipality of Tuzi, carved out of the City of Podgorica in 2018.

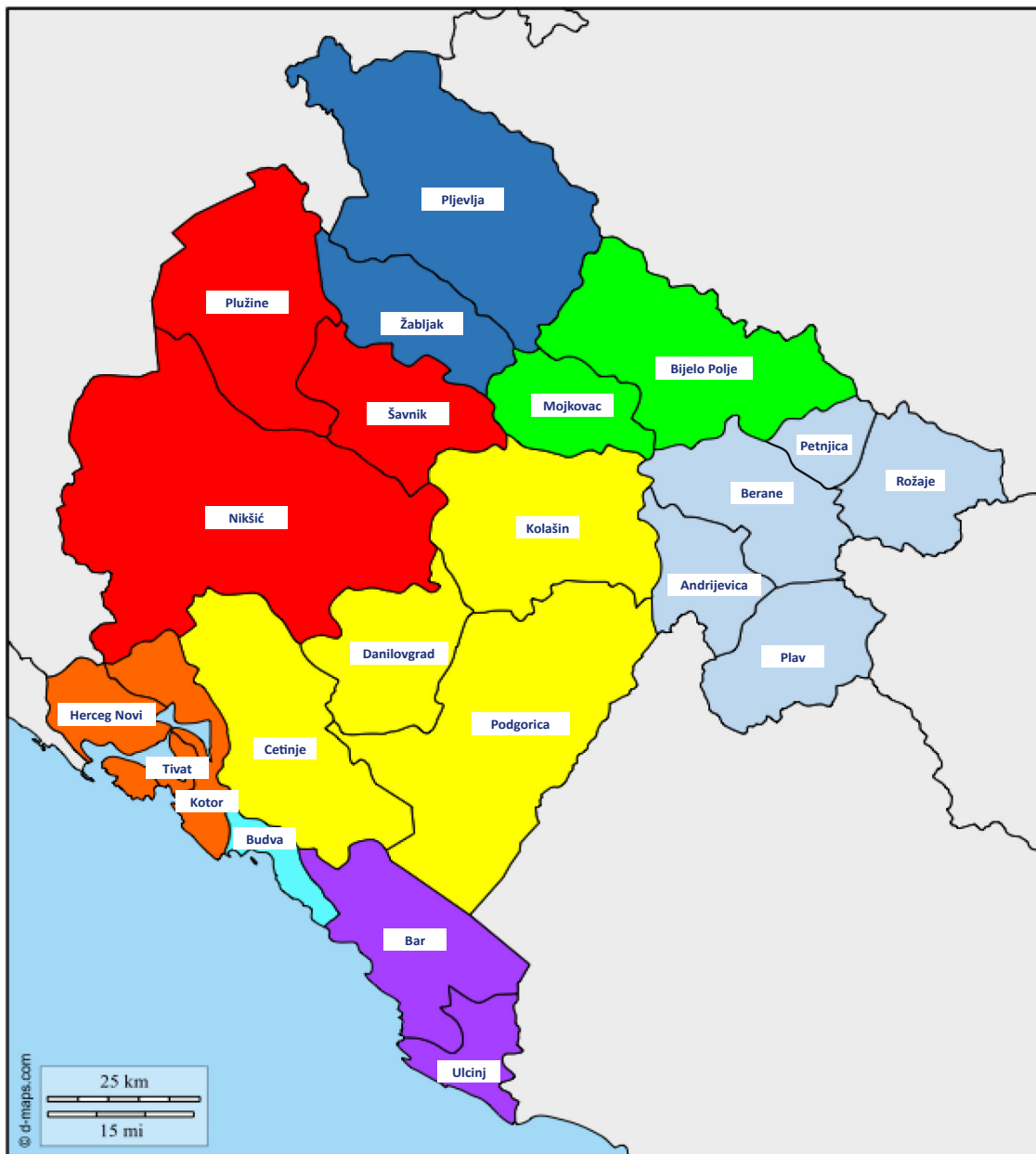
- Security Department Cetinje
- Security Department Kolašin
- 2. Security Centre Nikšić
 - Police Station Šavnik
 - Police Station Plužine
- 3. Security Centre Bar
 - Security Department Ulcinj
- 4. Security Centre Herceg Novi
 - Security Department Kotor
 - Security Department Tivat
- 5. Security Centre Berane
 - Security Department Plav
 - Security Department Rožaje
 - Police Station Andrijevića
 - Police Station Petnjica
- 6. Security Centre Bijelo Polje
 - Security Department Mojkovac
- 7. Security Centre Pljevlja
 - Security Department Žabljak
- 8. Security Centre Budva

In addition to this general territorial organisation, Border Police Sector has its own three Regional Border Police Centres:²⁸

1. North (HQ in Bijelo Polje)
2. Centre (HQ in Podgorica)
3. South (HQ in Budva)

²⁸ Border police were previously also organised into eight territorial units, following the geographical organisation of the rest of the police service, but they have been merged into three in 2016.

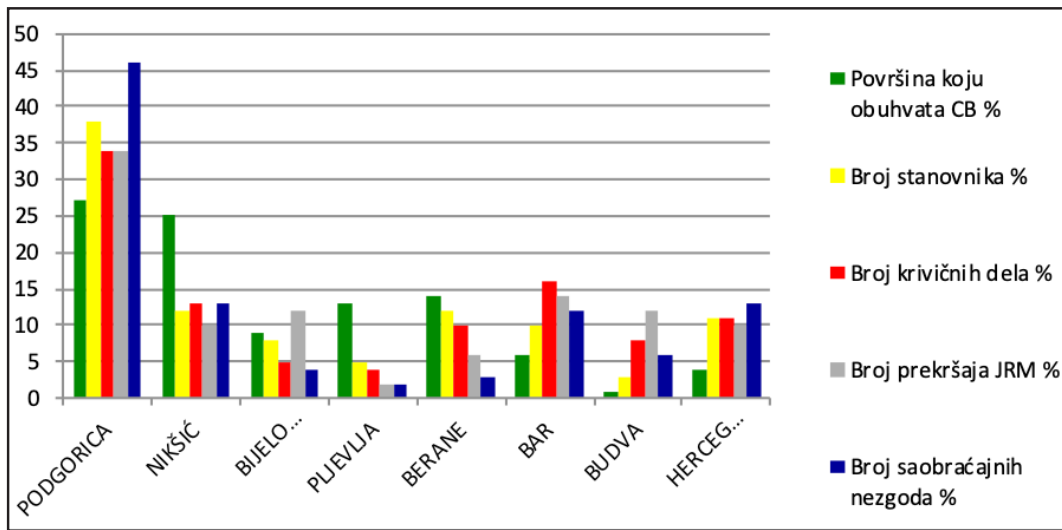
Map of Security Centres and Departments in Montenegro



It is indeed questionable whether a rather small country such as Montenegro, with a population of just over 622,000 inhabitants,²⁹ needs such an elaborate territorial organisation of the police service. The same question could be posed if a comparison is made with the size of the police service and the complexity of its tasks. These concerns should also be looked at from the perspective of data on distribution of criminal offences, misdemeanours and traffic accidents between the eight Security Centres, presented in the following graph.

29 According to official estimates, Montenegro had exactly 622,182 inhabitants on 1 January 2019. Statistical Office of Montenegro – MONSTAT (2019) *Population estimations – Data: Estimated number of population on 1 January*. Available: www.monstat.org/userfiles/file/demografija/procjene%20stanovnistva/2018/procjene%20cg%20pol%20starost%201%20januar.xls (Accessed: 15 September 2019).

The share (%) of territory, population, criminal offences, misdemeanours and traffic accidents between the eight Security Centres

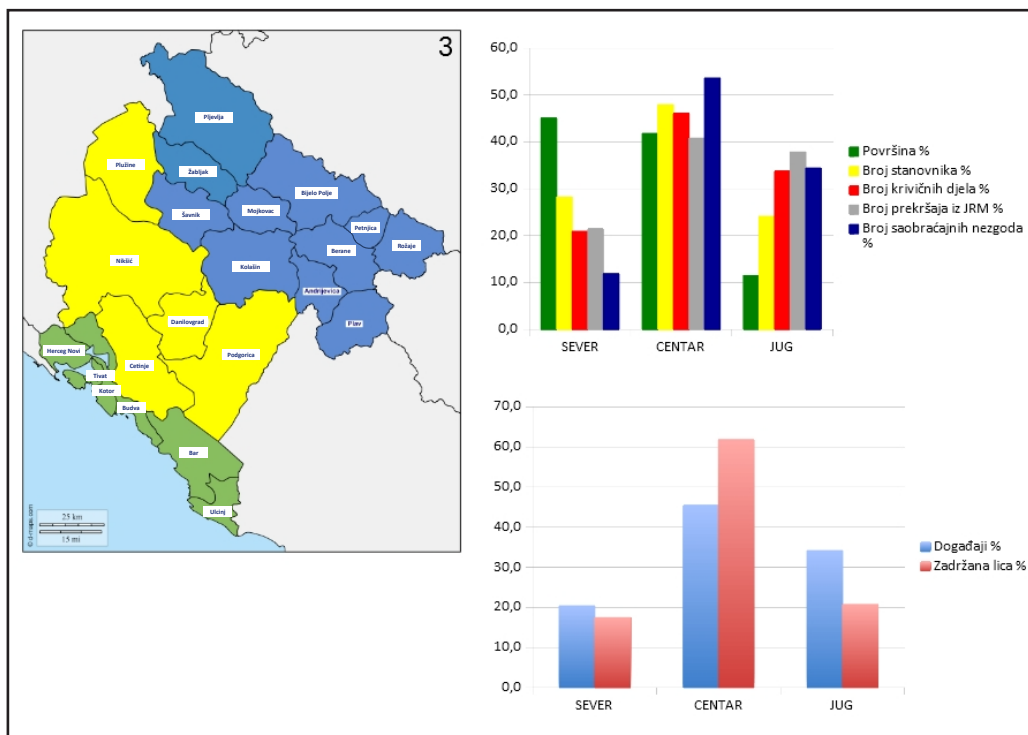


Sources: Statistical Office of Montenegro – MONSTAT (data on territory and population) and Police Directorate (data on criminal offences, misdemeanours and traffic accidents in 2018).

Paired with concerns about the adequate use of police personnel, all of the above concerns lead to a necessity to consider downsizing the number of Security Centres to three or four. The first option could follow the newly introduced territorial organisation of the Border Police Directorate and would entail the creation of the following three policing regions:

1. North (by merging three northern Security Centres: Pljevlja, Bijelo Polje and Berane),
2. Centre (by merging two centrally located Security Centres: Nikšić and Podgorica) and
3. South (by merging three coastal Security Centres: Herceg Novi, Budva and Bar).

This would translate into situation illustrated by the following map and graphs.



In addition to a more proportionate dispersion of territory, population and public security issues than today, such reorganisation would also bring the Police Directorate's territorial division in line with the current territorial organisation of Montenegro's judiciary (both courts and prosecutors' offices) and National Security Agency. It would also be consistent with the Spatial Plan of Montenegro and with the Regional Development Strategy of Montenegro.

However, if this reorganisation were to be implemented, the central police region would still be something of an anomaly, as it would comprise two most populous cities in Montenegro. Taken together, Security Centres Podgorica and Nikšić cover approximately half of the population and comparable shares of crimes, misdemeanours and traffic accidents. This would again create a disproportion, yet much less than that which currently exists.

Another option which could be taken into consideration would be a reorganisation into four Security Centres:

1. North (by merging three northern Security Centres: Pljevlja, Bijelo Polje and Berane),
2. Centre (by moving parts of the territory of the Podgorica Security Centre into the jurisdiction of the Nikšić Security Centre),
3. Podgorica (only for the territory of the city of Podgorica) and
4. South (by merging three coastal Security Centres: Herceg Novi, Budva and Bar).

The justification for this option of geographical reorganisation of the Police Directorate could easily be found in the fact that the capital of Montenegro is home to a third of the country's population and that its sheer size, as well as the frequency and magnitude of all sorts of activities and transactions taking part in it, make it the most complex territory for policing.

It is important, however, to stress that any potential territorial reorganisation through centralisation of management must not result in detaching the police from citizens and communities throughout Montenegro, nor harm the access to services provided by police and the development of community policing (as discussed in Chapter *Community Policing*). Regardless of organisation of policing, Montenegro's citizenry must not be deprived of its police, so the management consolidation at the regional level must not lead to the closing down of police stations.

One of the key aspects of consolidation of organisational and human resources, which would go hand-in-hand with territorial consolidation of the Security Centres, is the issue of **local duty services (on-call centres)**. This matter has been raised in both previous OSCE Reports³⁰ as an example of inefficiency in managing police resources by accumulating them. Currently each of Police Directorate's 22 territorial units (Security Centres, Security Departments and Police Stations) has its own and they are all coordinated by the Operations and Communication Centre, within the General Jurisdiction Police Sector³¹ (i.e. uniformed police). The Police Directorate is in principle intending to centralise this important capacity to make it more efficient, with the use of information and communication technologies, as suggested by the OSCE back in 2006 and 2012. Eventually, Montenegro could have

30 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), pp. 42–45.

Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 20.

31 During the previous period of Police Administration's status of a separate public authority, it was taken out of the uniformed police and placed directly under the Police Director's authority.

a single centre, not only for the police, but also for other emergency services (fire-fighters and medical emergency). This will require investment, but will also free a certain number of officers for other policing duties. It should be noted that some technological improvements continued during the reporting period and the capacities have been improved to a certain degree. Improved technology cannot be the only solution, so such improvements should be accompanied by additional training of operators, so they would be able to communicate with and direct police patrols in different parts of Montenegro. It is important to emphasise that the centralisation of these capacities should primarily address the on-call component of the police duty centres, as they perform other duties too (managing police custody, guarding police facilities³² and distributing official mail).

Consolidation of territorial organisation of police could also contribute to addressing another matter of organisational management, that has been described in the previous OSCE Report³³ on police reform in Montenegro and that has not changed much since then. It is a matter of the **management structure which is still quite hierarchical** in many parts of the Police Directorate, and not only when it comes to territorial organisation. Quite a few of organisational units throughout the police—both centrally and throughout the country—have managers who supervise a very small number of staff. Such ‘vertical’ organisational structure should be addressed in the course of police reforms, with an aim to reorganise the type of management within the Police Directorate towards a ‘flatter’ structure, with fewer managers supervising more police officers.

In addition to the matter of size of territorial units of Police Directorate, another equally important aspect of territorial organisation of policing is the level of **operational decentralisation in decision making**. During the research for this OSCE Report, an impression was given, which can lead to a cautious conclusion that some progress has been achieved in the area of decentralisation of responsibility. This perceived improvement is reflected in an impression that regional police managers (heads of Security Centres) have been delegated more authority and that they now have somewhat more operational autonomy than had been the case earlier. If this is indeed the case, it should not only continue, but also be made sustainable, in a way that it does not depend on the approach of whoever is the Police Director at a given moment. This will require developing policies and operational procedures which would make operational autonomy a standard in most activities of the Police Directorate. This should primarily involve a sustainable transfer of authority over issues specifically related to policing in the communities to police units at regional and municipal levels.

1.3. HUMAN RESOURCES MANAGEMENT

It is no exaggeration to say that adequate managing of human resources is of critical importance for the success in police modernisation and reform in Montenegro. At the same time, it must be acknowledged that this is currently an area of police reform which probably poses the biggest challenges to this process. As stated in the introduction to this chapter, one of the main and most striking findings of the research for this Report is the paradox that policing constantly suffers a lack of staff for a number of duties, while at the same time Montenegro has one of the highest ratios in Europe of police officers to general population (1:141), second only to the micro-state of Monaco.

32 The issue of guarding police facilities has been touched upon in the part about the current Sector for Protection of Persons and Facilities, and those recommendations are relevant here as well.

33 Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 21.

1.3.1. Responsibility for Human Resources Development and Planning

As explained earlier in this chapter (section 1.2. *Police Directorate within Montenegro's Public Administration*), the Police Directorate does not have full professional autonomy in the area of human resources planning and management, but largely depends on the Ministry of Interior, specifically on the Ministry's Strategic Development Directorate, which is headed by a political appointee. It should be repeated here that the role of the Ministry of Interior—on behalf of the executive branch of government—is to provide strategic and policy guidance to Police Directorate and to monitor if it is implementing them, but that this role must not be confused with managing the policing activities, which should belong exclusively to the Police Directorate. This situation is a direct consequence (and indeed an indicator) of insufficiently planned process of change management in the case of separation of these two public authorities. This should be revised so that the Police Directorate is given full professional autonomy in human resources planning and management. The optimum moment for this may be with the upcoming adoption of the new Law on internal Affairs. Through the Strategic Development Directorate, the Ministry of Interior is, *inter alia*, mandated for “ensuring the coordination of training with development programmes, as well as [ensuring the] continuous professional education of police officers; development of multiannual directions in the area of police education; monitoring career development of police officers; planning the training of police officers and monitoring its implementation”.³⁴ All of these responsibilities should belong to Police Directorate.

After the separation of the two authorities, a number of staff were assigned to the Service for Human Resources, Personnel and Legal Affairs. It must be noted that this Service is understaffed and thus under constant strain in the sense of their workload. They are not alone in this within the public service of Montenegro, according to an observation, repeatedly made by the European Commission, that “human resources management units are in place across the state administration, but most need to be considerably strengthened.”³⁵ This is certainly true in the case of Police Directorate. The Service for Human Resources, Personnel and Legal Affairs is currently too busy with managing routine daily business in the area of personnel affairs, without resources to engage with human resources planning and support to career development of police officers. The complex situation with and the great needs of human resource management in the Police Directorate require that this Service be strengthened – in terms of staff, but also in terms of capacities to deal with all the complexities. In terms of its future work on human resources planning and development (if this function is fully transferred to Police Directorate), this Service should cooperate closely with the Police Directorate's capacity for strategic planning. Until this transfer is completed, the Service for Human Resources, Personnel and Legal Affairs should cooperate closely with the existing Department for Analytics and the Improvement of Policing.

1.3.2. Some Important Issues with Human Resources Management in Police Directorate

Human resources management in the Police Directorate is heavily burdened with a number of issues that require effort to ensure improvement. Perhaps the most important of these is the system of police training, so it is dedicated a separate (next) sub-section. Disciplinary issues also partly belong to human resources management and are also of primary importance, but they are covered in a separate chapter *Police Accountability*. Other matters of significance for human resource management in the police are presented in this section.

34 Government of Montenegro, Ministry of Interior (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Ministarstva unutrašnjih poslova [Rulebook on Internal Organisation and Systematisation of the Ministry of Interior]*, Art. 4.1.

35 Cf. European Commission. *Montenegro 2019 Report*, p. 14.

The first issue to be addressed is the size of the Police Directorate—i.e. the **number of police officers**—and the unusually high ratio of police officers to the general population. This represents a burden for Montenegro and its budget, while the outcomes in terms of delivery of what the police are mandated to do are not always efficient. The issue of the excessive number of police officers has been addressed twice during the reporting period, when special laws (*lex specialis*) were adopted which enabled early retirement under favourable conditions. However, this resulted in a number of competent staff using the opportunity to retire favourably, receive a pension, and look for other employment, as they were competitive in the labour market. It was not them, but the less trained, less skilled and less competent officers that are really redundant, yet many of them opted to remain, as this employment provides them with steady income and job security that would be difficult to find elsewhere. This issue is not one that should be tackled in haste, and the reduction of number of staff will need to be followed by an adequate social programme. The effective integration of redundant employees into society will need to comprise not only financial compensation, but also professional retraining and start-up credits and grants for small businesses. This will require a joint effort from the Police Directorate, the Ministry of Interior and the Government of Montenegro, which should also seek international support for this process. As pointed out in the last OSCE Report, it would be both damaging and dangerous to approach this mechanically and weaken police capacity by making cuts without making thorough considerations of the needs for staff.³⁶ A simple comparison with an average ratio of police officers to general population in other European countries should not be the only criterion considered, but only in conjunction with all other relevant factors (crime trends, developments of traffic, international police co-operation, smuggling activities on certain segments of the border, etc.), both geographic and thematic, also need to be taken into consideration.

For all these reasons, re-scaling the police service this should be approached sensitively and by conducting a thorough functional analysis of needs throughout the Police Directorate. This functional analysis should be conducted jointly by the Service for Human Resources, Personnel and Legal Affairs and the Department for Analytics and the Improvement of Policing. It is imperative that this process is transparent and that all employees are given adequate information about it as soon as possible, as well as a clearly defined period for adjusting to changes (between one and two years). In short, Montenegro needs a smaller and more efficient police service, so the Police Directorate will need to downsize and rationalise the number of staff, but this process must be underpinned by an evidence-led and thorough functional assessment.

Entry into police service is currently possible in several ways:

1. By graduating from a two-year-long basic police course (post-secondary education) organised by the Police Academy. This is a combination of training at the Police Academy and in-service mentorship at the Police Directorate. These graduates commence their employment from the beginner's level.
2. Most managerial posts have a university degree as a requirement, but no prior police training.
3. By graduating from a shortened basic police course, lasting only four months.

For reasons that are self-evident, the first way is certainly the most proper and, indeed, this is the way in which police officers in most European police services begin their careers.

Modern police services need civilian expertise for certain positions, but such expertise should remain civilian and not a guarantee that someone without police training can become a police officer. When it comes to policing jobs, a university degree is certainly welcome and the Police Directorate should actively work on recruiting people with such an educational profile. A university degree, however, should not represent a suf-

³⁶ Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 21.

ficient precondition if not supplemented by adequate police training. This second way of entering the police service is a remnant of the old Yugoslav system, in which a university degree was perceived as a self-evident proof of expertise, which is not necessarily the case in policing. It has not been used only for the beginners, but also for filling some quite senior posts with political appointees with no policing experience whatsoever.

Police training should not be viewed as a matter of formal degree, but of practical capability for policing. Universities teach people to become lawyers, engineers or economists, but not police officers. They do not teach about crime scene management, patrolling or lawful use of coercion – that role belongs to the Police Academy. Due to all of the specifics of this profession, the Police Academy should be able to accept people of various educational backgrounds, which requires flexibility in organising the basic police training, so that trainees are not compelled to prove themselves again in those areas in which they are qualified. This could be done in two possible ways. The *first* would be that candidates for police officers who possess university education are exempted from undergoing those training components they are already qualified for.³⁷ The second would mean organising specially adjusted and shorter basic police training curriculum for such candidates. In addition, entry into the service only with a degree collides with the post-Yugoslav reality, in which private institutions that can be described as diploma-mills that give little or no expertise have proliferated throughout the region. This is sometimes (ab)used by some police officers who enter the police through the first or third way, only to easily obtain formal qualification for advancing in service. The institutional responsibility for this does not rest with the Police Directorate, but with educational authorities which give such institutions an undeserved accreditation, which the Police Directorate must accept. That said, the value of a proper university education is by no means to be underrated and it can certainly be expected that many police officers who possess such an education would stand out in performance and earn promotion.

In recent years, several hundred police officers started their employment using the third way, which is perhaps the most problematic. These digest courses have been organised on several occasions to quickly fill in the missing staff, and with significantly less demanding entry requirements. The very fact that such an oversized service suffers from insufficiency of staff indicates the existence of structural problems with human resources management. As a result, people with a digest course are employed as fully-fledged police officers, just like those who have committed two years of their life to become one. A consequence of this is the obvious discrepancy in the level of skills within the service; the other is that this cannot be professionally motivating for officers who have regularly completed the basic training. Staff who have entered the service through this route should be re-evaluated and those who meet the requirements for enrolling the regular training at the Police Academy should be enrolled in it, so they could fill-in the gaps in their qualifications. Those who do not fulfil such requirements should not be police officers. They could potentially be auxiliary or reserve police (if that is ever created in Montenegro), but not career police officers.

To sum up, there should, in principle, be only one way to become a police officer, and that is after completing the basic police training. It would be very desirable if the Montenegrin police service considers the introduction of the practice which is both commonplace and long established in many European police services, where an officer cannot become investigator without prior experience in uniform. This would mean that in Montenegro too all police officers would begin their employment as uniformed officers and spend a certain minimal period (e.g. between six months and two years) on beat and patrol duties, in daily contact with the community, before they are entitled to apply for continuation of career on other police duties. In this way, they would acquire valuable and irreplaceable experience, which would be useful throughout the career, regardless of the type of police work they specialise for. The experience in contact with the widest profile of citizens, gained through such work, can certainly improve their qualifications to work as investigators or border police officers. This would also enable them the valuable socialisation within the service and adoption of its values. An exemption could be made for forensic officers (currently titled as police advisers), who

37 For example, candidates with a law degree would be exempted from taking classes in this topic, and their ability to implement law in the policing context could be instantly tested.

use some police powers in their work, yet may not necessarily require the described experience. What must be the necessary requirement for all officers is that police qualifications, gained by adequate training, are precondition for possessing and exercising police authorities.

Another important issue is the **performance evaluation** of police officers. In theory it exists and is undertaken, yet it is usually little more than a formality. This is not only the case for annual performance appraisals, but also generally for various types of police officers' performance appraisal. It is very important and commendable that the research for this Report has shown that police managers are quite aware of these shortcomings, which can be illustrated by the example of one of the interviewees who described it as a 'waste of energy and paper'. A proper performance evaluation of employees is important for any complex organisation, as it sets the conditions for ensuring that the most capable people fill the appropriate posts. As for the employees, if done properly, performance evaluation helps their career development – not only as backing for their potential advancement through ranks and managerial positions, but also as something that can help them see their strong points they can further develop and points where they will need to make improvements. For all these reasons, it should not be just a mere formality. It should instead be an objective and results-based performance evaluation system should be developed in relation to previously clearly defined competences attached to each post, to help both the Police Directorate as an institution and its employees. For such a system to work, it is imperative that the Police Directorate has both the basic competences and competences attached to each post clearly defined, as well as that police managers are properly trained how to evaluate employees they supervise with impartiality and with an orientation toward results.

Moving through ranks and managerial positions is another issue of great importance. The Police Directorate and policing in Montenegro can benefit only if this is organised and delivered in an objective and transparent way. This should entail the development of a system whereby all available positions are filled through an open application process, rather than by appointment (not to mention lobbying and political appointments). All positions should be internally advertised,³⁸ all candidates tested and those shortlisted interviewed by a panel comprised of senior officers and a human resources representative. Political and other clandestine appointments to operational positions should never take place. It is absolutely imperative that all recruitment and selection procedures guarantee a transparent, equal and merit-based process. It is also imperative that managerial posts are allocated, also through internal competition, only to those officers who have successfully completed management training, which is both reflecting the job requirements and accessible to most (if not all) police officers, allowing them to adjust it to their work demands. It is commendable that the Police Directorate has already recognised this and is currently developing its management training programme.

One of the key indicators of representativeness of any police service is the level of **representation of women** in it. The previous OSCE report on policing in Montenegro noted certain improvements³⁹ with representation of women in the Police Directorate workforce. These improvements have continued, but their pace did not accelerate much during the past eight years. Currently there are 632 female employees (14.15% of the total workforce, up from 12.14% in 2011). Women seldom hold managerial posts in the Police Directorate, and even when it is the case, it is usually in administrative positions, rather than operational. It is not uncommon that female police officers spend only a few years in frontline policing after graduating from the Police Academy and then move to office work, so their presence and visibility are even less sufficient than the statistics show. This represents a huge waste of resources invested in their training. In addition, this is especially regrettable as the public perception of policewomen is generally favourable.

38 In perspective, the practice of some police services could also be introduced, to increase the transparency by informing the public on these internal advertising, except in cases of posts that are particularly sensitive.

39 Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 22.

When all the answers concerning female police officers are grouped together, Montenegro stands out [among other countries in the region] in perceiving them as kind, cordial or pleasant (20%), cultured (19%), professional (15%), educated (11%), responsible (9%), authoritative (6%), determined (6%) and tolerant (4%).⁴⁰

This positive public perception coincides with the noticeable progress within the ranks of the police, as female officers are now more than before accepted by their male colleagues. It would be too bold and too early to say that they are fully accepted, but they face less prejudice now than they have done previously. These positive trends should be utilised and therefore a more active policy of recruitment and career development of women will be necessary for progressing towards a more representative police service, one capable of addressing the specific safety and security concerns of different segments of Montenegro's population. It would therefore be necessary for the Police Directorate to develop a plan for eliminating the obstacles for keeping women in police jobs, for accessibility of all posts throughout the Police Directorate, as well as for their upward mobility. Such a plan should be developed on the basis of research in which both policewomen and policemen could express their experiences, for the purpose of identifying the obstacles to keeping women in operational jobs and their advancement in them, within all ranks, titles and posts in the Police Directorate. The plan should include measures for removing such obstacles (both implicit and explicit), for reviewing the adequate procedures, and for motivating women to apply for posts which they currently do not perform.

The official data of the Ministry of Human & Minority Rights, from its latest survey of ethnic structure of public administration, conducted in 2015, show how **ethnic structure** of the police service considerably diverges from the broader ethnic structure of the population of Montenegro (with a caveat that this survey looked jointly at the Ministry of Interior and Police Directorate as one single authority). Those who declare as Montenegrins are the only overrepresented group, with their share among the employees (84.88%) almost doubling their share within the general population (44.98%). It is a significant shortcoming that there is still not a single Roma police officer in Montenegro, while the first member of this community enrolled in the Police Academy in 2018. Roma are one of the most vulnerable populations in Montenegro, often faced with security and safety related issues that are specific to their living conditions, so it is imperative that Police Directorate attracts them into its ranks. Croats are the most underrepresented group,⁴¹ while Bosniaks and Muslims⁴² are the least underrepresented ethnic groups. In terms of absolute numbers, citizens who declare as Serbs are the second largest group⁴³ in Montenegro, with their share of employees being less than a fifth

40 Milošević, Milena (2016) *The Citizens' Opinion of the Police Force: The Results of a Public Opinion Survey Conducted in Montenegro* (Podgorica: Institute alternative), p. 11.

41 It should be noted that the vast majority of Montenegrin Croats live in the coastal region of the country, which is an area where population in general is significantly less interested to seek employment with the police, primarily due to availability of jobs in other areas, mainly in tourism.

42 Interestingly enough, Bosniaks and Muslims are basically the same population, but their different members declare under different ethnonyms. South Slavonic Muslims were officially termed *Muslims* during Yugoslav times, while the term *Bosniaks* emerged and became official during the breakup of Yugoslavia.

43 It should be stated that Montenegrins and Serbs are basically the same population, but their different expression of national belonging is a consequence of a number of historical reasons and it also often coincides with their political views. This finding is consistent with the following statement based on the results of the public perception surveys on policing commissioned by Podgorica-based think-tank Institute Alternative, within the regional PointPulse project:

This year's survey confirmed the results obtained in 2015, showing that Montenegrin Serbs distrust police. They are the only nationality which has not demonstrated majority trust in the police, with only 42% of the respondents stating that they trust it mainly or completely. By contrast, a large majority of Croats (83%), Albanians (80%) and Bosniaks/Muslims (79%) expressed this level of trust. Montenegrins are close to average regarding this issue, with 68% of respondents demonstrating trust in the police force.

of their share in the general population. Albanians, which are the only real linguistic minority, are represented only by about a quarter of their share in the population of Montenegro. These data are consistent with those used in the previous OSCE report, which were publicised in 2011 (only after the insistence of the European Commission). The discrepancies that have emerged in both sets of data will need to be addressed in the future policy and strategy of human resources development.

Table 1: Comparison of ethnic structures of Montenegro and of the Ministry of Interior and Police Directorate (combined)

Ethnic identity	Ethnic structure of Montenegro, according to the official results of the 2011 population census ⁴⁴	Ethnic structure of the staff of the Ministry of Interior and Police Directorate in 2015 (according to the official report of the Ministry of Human & Minority Rights) ⁴⁵	Representativeness ratio ⁴⁶
Montenegrin	44.98%	84.88%	1.89
Serb	28.73%	5.27%	0.18
Bosniak	8.65%	4.85%	0.56
Albanian	4.91%	1.24%	0.25
Muslim	3.31%	2.27%	0.69
Croat	0.97%	0.14%	0.14
Other	3.58%	0.14%	0.39
Undeclared	4.87%	1.2%	0.25
Total	100%	100%	

Milošević, Milena (2016) *The Citizens' Opinion of the Police Force: The Results of a Public Opinion Survey Conducted in Montenegro* (Podgorica: Institute Alternative), p. 8.

All these data may lead to a speculation whether some of the employees of the Ministry of Interior and Police Administration avoid expressing their identity to avoid potential pressures or unpleasant situations in their work, which has been implied at some of the interviews conducted for research for this Report.

44 Montenegro Statistical Office (12 July 2011) *Release No. 83: Census of Population, Households and Dwellings in Montenegro 2011: Population of Montenegro by sex, type of settlement, ethnicity, religion and mother tongue, per municipalities*, pp. 8–9. <http://monstat.org/userfiles/file/popis2011/saopstenje/saopstenje%281%29.pdf> (Accessed: 20 October 2019).

45 Ministry of Human & Minority Rights (2015) *Informacija o zastupljenosti manjinskih naroda i drugih manjinskih nacionalnih zajednica u državnim organima, organima državne uprave, organima lokalnih uprava, sudovima i Državnom tužilaštvu [Information on the Share of Minority Peoples and Other Minority National Communities in State Organs, Public Authorities, Local Self-Government, Courts and State Prosecutor's Office]*, p. 20.

46 Ratio between the share of an ethnic group in general population and its share among the Ministry of Interior and Police Administration's employees. Number 1 would mean that a given group's share equals its share within the population. Value over 1 indicates how much is a group overrepresented, while value under 1 indicates how much is a group underrepresented.

These data clearly demonstrate the necessity for implementing an active policy of recruitment and career development aimed at different ethnic, linguistic and religious groups of which Montenegro is composed. Unrepresentative police service cannot be capable of dealing with the specific safety and security concerns of different parts of population, nor will such police be able to contribute to a democratic, pluralist and non-discriminatory environment in Montenegro.

An issue that is often neglected is the **wellbeing of police officers**. They perform a stressful and sometimes dangerous job, which often requires irregular working hours. Their private and family lives often suffer from strenuous requirements of the profession. While human beings should not be looked upon through an economic lens, the state should always be aware that it has invested a lot in their training and development and that it is simply not sensible to treat such a resource as expendable. In order for them to be expected to perform to the maximum of their ability and capacity, police officers should be treated with due dignity and fairness. Only then can they be expected to fully accept their accountability, not only to their employer, but even more importantly to the society they serve.

Their legally guaranteed labour rights should not be infringed by wearing them out with overtime on stressful duties and then not compensating them accordingly. In previous years, hundreds of police officers have sued their employer asking for just compensation (either financial or in days off work) they were denied. While not infringing their labour rights should be a rule, an effective system of complaints should be put in place, one that would make police officers confident to use and reluctant to abuse. In addition to labour rights, another important aspect of police officers' wellbeing is health protection, especially psychological and psychiatric support. Officers should be able to seek it in full confidentiality, without fear that it may reflect badly on them or undermine their career and status. The Ministry of Interior's Healthcare Centre has designated such a unit, but the four systematised psychiatrists are yet to be employed. Police managers should be adequately trained to recognise the signs of stress and weariness at people they supervise and to subsequently advise them on support they can receive. One very positive step was made by initiating the establishment of the system of 'persons of trust' throughout the Police Directorate, experienced and trustworthy colleagues who can be approached in confidentiality. This system—inspired by examples in other countries (primarily Norway) in which it delivered good results—is in its early stages and should be further supported, mainly by empowering the designated persons of trust with training on how to adequately respond to their colleagues looking for help and support. An adequate system of compensation and motivation should be developed for the designated persons of trust for performing this role in addition to their regular police work.

1.3.3. Police Training and Professional Education

The adequate training of police officers is the fundament of any police service in the world. In the beginning of the police reform process in Montenegro, this was one of the most successful areas. The first police training institution in Montenegro and was the Police High School established in 1995 in Danilovgrad, a town close to the capital Podgorica. In line with the Yugoslav system, it provided secondary-level education to boys aged between 14 and 18. With great efforts and support provided by the OSCE—which also helped attracting other international support—the Police High School was transformed in 2006 to become a post-secondary Police Academy aimed to provide basic police training and in-service, specialised and advanced police training, as well as supplementary training (elements of the basic police training for those police officers who did not have any⁴⁷). Basic police training is a two-year-

47 These were mainly those police officers who were recruited almost overnight during the crisis of the 1990s to work as members of the paramilitary Special Police Unit, who only had military background and no proper police training at all.

long process which combines theoretical and practical training at the Police Academy and in-service training (internship) within the Police Directorate. So far, 11 cohorts have graduated from it. In addition to training the police, the Academy also delivers training for customs officers, prison guards, communal police (part of the municipal structure with limited policing authorities, aimed at enhancing municipal inspectorate work), and—on a purely commercial basis—guards for private security companies.⁴⁸

During the course of police reform, the Police Academy became a fully-fledged institution of basic professional police training, which has received international recognition when it became a member of the Association of European Police Colleges (AEPCC) in 2009. It has excellent teaching, lodging and training facilities. Its faculty members have been constantly improving their adult teaching skills, but the Academy would benefit from having more of full-time staff with professional policing experience. The faculty should be continuously supported to ensure that they are all familiar with adult teaching principles, practical police experience and could use relevant literature in foreign languages. It is especially important that this job is perceived as prestigious in every aspect, so that the most competent police experts are attracted to teach at the Police Academy.

This transformation is considered one of the key successes of the whole police reform process in Montenegro and the new graduates of the basic police training are generally recognised quite positively both by the citizenry⁴⁹ and by the police managers who supervise them after they graduate and begin working as police officers. Positive recognition of the Police Academy graduates is to a large degree due to the fact that the programme and curriculum of the basic police training—modelled on international human rights standards and good practices of democratic policing—puts a great emphasis on human rights, police accountability, and strict adherence to police conduct which is in accordance with the law, rules and procedures, but also on improving the general level of professionalism in the police service.

Yet it must be noted that some of the police managers who receive the new graduates under their supervision have expressed reservations about some aspects of the practical applicability of the knowledge they come with. The root of this should not be sought at the Police Academy itself, but at the shortcomings of the part of the basic police training received in the organisational units of the Police Directorate, more specifically in some inadequacies of the professional **mentorship within the in-service training**, which is a part of basic police training. Little has been invested into the training and other preparations of mentors for this role, and it is not uncommon that people are simply given this task without being asked and is an obligation additional to their regular job, but without any additional compensation. This duty should have been prestigious and highly competitive, but it is unfortunately rarely perceived to be so.

The **institutional position of the Police Academy** is a matter of utmost importance. It was taken out of the law enforcement structures in 2011, to become an independent institution of post-secondary professional education. As such, it is now under the jurisdiction of the Ministry of Education. In reality, however, the Police Academy is left in an institutional limbo, as this arrangement does not provide for the most optimal solution. The Police Directorate under the current arrangement has no real influence over the intake of new students. Consequently, once they graduate, their employment with the Police Directorate is not guaranteed.⁵⁰ There is also no leverage on the side of the Police Di-

48 Which is in line with the OSCE recommendations from the previous Report. See: Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), pp. 24 and 34.

49 Especially in comparison with the large number of staff described in the previous footnote.

50 It is especially paradoxical having in mind that the Police Administration does employ all the graduates of the shortened, four-month-long basic police courses (described earlier, in sub-section 1.4.2. *Some Important Issues with Human Resources Management in Police Administration*), which are also delivered by the Police Academy. It is difficult to imagine a way in which this could have any positive effects on the morale and motivation of young men and women who have invested two years of their life to become police officers.

rectorate over the content of the training programmes and curricula, which should ideally be driven by the ever changing requirements of the practice of policing, which is in turn largely driven by the emergent and ever changing challenges to public safety. The only conclusion that can be made is that the Police Academy ought to be reintegrated within the law enforcement structures, by becoming a part of Police Directorate, or at least of the Ministry of Interior.

The current system of **enrolment into the basic police training** is not adequately addressing the shortcomings in diversity and representativeness of the police service, described in the previous sub-section of this Report (1.4.2. *Some Important Issues with Human Resources Management in Police Directorate*). At the moment, a new cohort of applicants is divided into two categories – those who stated on their application that they belong to the general population and those who apply claiming ‘affirmative action’. The latter do not state the possible basis for claiming this affirmative action, nor is their basis checked in any way. The exact proportions of these two categories are calculated upon the numbers of applicants who opted for each of them. Candidates undergo the same entry requirements and take the same entry tests, but are then ranked on two separate lists for filing-in the two separate batches. This enrolment system does not address the need to make the police service more representative and diverse. It should therefore be replaced by a non-discriminatory system, primarily through targeted and tailor-made recruitment campaigns for actively attracting the applicants of different backgrounds.

Specialised training is aimed at providing personnel with the skills required for performing specialised policing roles. The Police Academy has developed and is delivering various such courses. It is crucial that the appropriate people attend them, which has not always been the case, and in turn resulted in low impact, as trainees do not always have the opportunity to put skills they learned into practice. On the other hand, police officers whose work required specialised knowledge in certain areas are not always selected to participate in relevant training. This is partly a consequence of the institutional detachment of the Police Academy from the Police Directorate, as the former is not always getting clear and systemic information on what type of training the latter’s organisational units require, which should be managed by the Service for Human Resources, Personnel and Legal Affairs. The needs for specialised training should be matched with job requirements and career development plans and developed by the Service for Human Resources, Personnel and Legal Affairs, in consultation and cooperation with the heads of different organisational units within the Police Directorate. Managers need to have a better system for matching personnel and training needs (which should be a part of their management training). There is a need for clear communication procedures for conveying the training needs to the Police Academy so that it can effectively develop relevant and adequate courses.

Another issue that needs to be addressed here is that of **management training**. The Police Academy has developed a curriculum for such training, but it has never made it into a regular programme, as it is not being funded from the Police Directorate’s budget. It largely depends on international aid and support, and is as a consequence often delivered on an *ad hoc* basis. Some Police Directorate employees have also been trained by the Government’s Administration for Human Resources Management in generic civil servants’ qualifications, which has included training in some management skills, but neither this nor training by international partners can substitute for a systemic approach by Police Directorate itself. This should entail that evaluated management training (for different managerial levels) becomes a regular requirement for performing all managerial duties in Police Directorate.

The finding from the previous OSCE Report⁵¹ still stands, in that the main obstacle for making the Police Academy sustainable and for realising its full potential is in the overall shortcomings and inconsistencies of the broader system of human resources management in the Police Administration, which are described earlier in this chapter of the Report (1.4.2. *Some Important Issues with Human Resources Management in Police Directorate*). This impedes the career development of police officers and prevents the accurate design of training needs for specialised, advanced and management training. The sustainability and credibility of the Academy is also undermined by accepting new police officers who receive basic training through shortened courses, rather than through the proper two-year programme. The Police Academy has excellent potential, but this potential must be nurtured and invested in.

1.4. FINANCIAL RESOURCES MANAGEMENT

The management of (often scarce) financial resources allocated to policing is one of the most important areas of police reform in Montenegro. While the total budget allocated to policing can rarely be influenced by the Police Directorate, a more efficient use of financial resources would doubtless help the efficiency of its work.

The low **salaries** of police officers is often perceived as a major demotivating factor for them and is often viewed as a main impediment for police reform, not least because they are a contributing factor of corruption. This is, however, a consequence of the general macro-economic situation in Montenegro and cannot be seen outside of the context of overall Police Directorate funding. Actually, the vast majority of the Police Directorate's budget is allocated to salaries and other forms of income (overtime pay, per diems, severance pay, etc.), while much less remains for maintenance and for the payment of various services, and even less for infrastructure or capital investment. It can be concluded that such a budget is not really fit for police reform, not for the development of a modern police service.

It has been noted that certain **privileges** of some police managers constitute *de facto* a salary supplement. Most notable among them is the use of official (non-patrolling) vehicles and of fuel purchased by the Police Directorate for private purposes. Going from home to work and back by official vehicles does not constitute a labour right. This practice should be ceased instantly and vigorously monitored, while Police Directorate should sell its surplus of vehicles.

Much of the funding for investment purposes comes from **donations**, primarily international donations, which is often a highly unpredictable and inconsistent source. The situation in this area Montenegro has been made more stable with the process of accession to the European Union, which is a major donor of funds used for police modernisation and which requires the process of thorough planning for the use of funds under its Instrument for Pre-Accession Assistance (IPA). This, however, requires that the Police Directorate has adequate resources for planning and managing donations.

Local authorities in Montenegro sometimes donate to police. These donations are usually for the renovation of police premises or buying equipment. While this is a sign of good relations between the municipalities and the police, such donations should always be made only with a lot of precaution (just like all donations), to ensure that they do meet the planned needs of the police and, more importantly, of the citizens of these communities. These donations may be welcome in certain situations, but should not be a substitute for funds that should primarily come from the Police Directorate budget.

51 Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 25.

Another occasional source of extra-budgetary income of the Police Directorate are private donations from within Montenegro, usually from private companies. Such practices should be discontinued as it may lead to unwanted influences over policing.

Both of the previous two OSCE Reports on police reform in Montenegro have noted a high level of centralisation of the **budgeting process** for policing,⁵² but some improvements that have occurred after the Police Directorate was re-established as a separate public authority must be noted in this Report. Previously the budget proposals have been exclusively drafted at the top, without any prior input from Police Directorate's organisational units as the end users of the budget (which is the case in modern police services). The latest developments are, however, geared towards rectifying such situation, as the heads of Security Centres, Sectors and other Police Directorate-level organisational units are now being asked to provide such input. Their input would have been requested only once the budget proposal is already drafted, which left very limited little space for modifications and only minor corrections could have been made (usually only after heavy pressure from the organisational units). This approach should be encouraged, developed and made sustainable. Budget planning should be closely tied to and become a regular part of the general planning within the Police Directorate. The Service for Financial, General and Support Affairs should be strengthened and its staff should be given more support and training. Budget planning should also be an obligatory part of management training and standardised forms for budget proposal should be developed, in which organisational units could enter their requirements at the beginning of budget planning cycle. While it can be expected that some heads of organisational units will in the first years of such budget planning system provide 'wish-lists' rather than proper input based on realistic needs, it will improve over time.

Due to the specific and sometimes sensitive nature of policing, the legislation provides an opportunity to the Police Directorate to obtain sensitive equipment under **special procure procedures**. This is a normal practice, but should be used only for exceptional purposes, while it has been noticed that it has been used indiscriminately. An analysis of special procurement in the security sector in Montenegro, made by Institute Alternative, concluded that:

Spending of public money on confidential procurement in Montenegro goes far beyond the eyes of the public and that even the basic information on these procedures, such as the documents based on which they are carried out, are often not publicly available. [...] Despite frequent amendments to the rules governing this area, it is still insufficiently regulated and far from being in compliance with the EU regulations. The key shortcoming lies in the fact that these legislative solutions make the conceptual difference between the notions of "confidential procurement" and "security and defence procurement", which also negatively affects the regulation in this area. The first is stipulated as an exception to the implementation of the law, without explanation on the basis of which law will they be implemented, while the second is regulated under the Law on Public Procurement, although insufficiently.⁵³

52 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 57.

Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 32.

53 Đurnić, Ana (2018) *Confidential Procurement in Montenegro: Far from Public's Control* (Podgorica: Institute Alternative), p. 3.

Such non-transparent practices need to be discontinued and a rigorous financial oversight needs to be established. The re-establishment of the Police Directorate as an independent public authority should be utilised as a clean start for this.

The problem is also in legislative deficiencies and Institute Alternative has developed a set of recommendations for improvement, which can be repeated and supported by this Report. They state that the Law on Public Procurement should prescribe:

The obligation of preparation of confidential procurement plans, with the prescribed minimum of information they should contain on each planned procurement, such as the subject of procurement, estimated value, and the procedure which needs to be applied. [...] the obligation of submitting the confidential procurement plans to the Parliamentary Security and Defence Committee for consideration and review, and to the Government for adoption. [...] the obligation of preparation of the reports on confidential procurement which should contain relevant information on each conducted confidential procurement, i.e. the data on the subject of procurement, estimated and executed value of procurement, the procedure applied, and number of submitted bids. [...] the obligation of submitting annual reports on carried out confidential procurement procedures to the Parliamentary Security and Defence Committee for consideration and review, and to the Government for adoption. [...] the procedures which can be applied for security and defence procurement, the method of collecting and evaluating bids, as well the criteria for their evaluation. [...] The State Audit Institution should conduct audits of the expenditure for confidential procurement of all the contracting authorities which carry out this procurement on an annual basis.⁵⁴

Finally, a statement from the previous OSCE Report can be reiterated,⁵⁵ that **financial transparency and accountability** would also be reinforced by an independent external audit that would not only verify that the accounts are in order, but also enable a performance assessment of the Police Directorate. Such an audit would focus on whether the police provides ‘value for money’ to the society it serves, but would also propose ways of saving funds by a more efficient use and procedures. It could be conducted by the State Auditing Institution. Such a performance and financial audit is also an important way of informing both the decision-makers and the public. In the context of police reform and modernisation, performance assessment and financial audit are especially important for oversight of expensive projects (such as infrastructure development) where corruption is more likely to occur. Another benefit is in identifying ways to rationalise police organisation and for making its work more effective. Conducted transparently, such audits could also serve to increase public and international trust in Montenegro’s ability to carry out police reform.

1.5. RECOMMENDATIONS

1. The Police Directorate’s legal status and position within the public administration system should ensure that it is professionally and operationally autonomous and free from political influence.
2. Any potential institutional and organisational changes of the status of police within the public administration should in the future occur only as a result of analytically identified needs

⁵⁴ Ibid. pp. 20–21.

⁵⁵ Gajić, Novak & Sonja Stojanović (2011) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), pp. 32–33.

and thoroughly planned change management processes. The particular interests of political parties must never be their cause and police organisation should be protected from such interference.

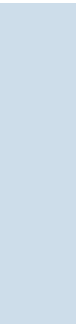
3. The current institutional and organisational outcomes of the separation of the Police Directorate from the Ministry of Interior require a thorough reassessment, which could ultimately lead to a number of institutional and organisational readjustments.
4. The Police Directorate should be fully capable of independently operating its IT systems and police databases used exclusively for operational police purposes, as well as to take over such systems and databases which are still at the Ministry of Interior, while the Ministry should keep the executive oversight of legality and purposefulness.
5. The Police Directorate should have its own strategic planning capacity, separate from the Ministry of Interior, answering directly to the Police Director. Such organisational unit should be modelled after the former Strategic Planning Unit, which played a major role during the first decade of police reform in Montenegro.
6. The posts within the Ministry of Interior's Oversight Directorate that are designated for police officers should be staffed by police officers and not by civilian public servants who were given police ranks without prior policing experience.
7. The legal definition of the Police Directorate and the list of its designated tasks should be changed to reflect the nature of a police service.
8. The Police Directorate's organisational consolidation could be centred around four basic Sectors, representing the three main branches of policing and their administrative, technical and logistical support: (1) General Jurisdiction Police Sector, (2) Criminal Investigations Sector, (3) Border Police Sector, and (4) Sector for Human Resources, Finances and Technical Support.
9. Consideration should be given to reintegrating the Sector for the Fight against Organised Crime and Corruption with the Criminal Investigations Sector.
10. In case that the Government of Montenegro for the time being sticks to the political decision and keeps the Sector for the Fight against Organised Crime and Corruption in the current status, to demonstrate internationally and locally its commitment to fighting organised crime and corruption, it would still be recommendable to make considerations about mid-to-long-term planning for its eventual merging with the Criminal Investigations Sector.
11. The number of police officers working on protection of facilities and persons should be downsized, so that more human resources are freed for regular policing tasks.
12. Close protection of officials should be reassessed and used only if commensurate with identified threats to their security.
13. The routine protection of most governmental buildings and facilities—including those of the Police Directorate—should not be performed through underutilisation of qualified police officers, but by less-qualified staff of security companies.
14. The protection of facilities of the judiciary should not be within the responsibility of the Police Directorate, but of the Ministry of Justice.
15. After freeing a large number of members of the Sector for the Protection of Facilities and Persons for performing more regular police tasks, the remaining part of it should be integrated either (a) with the General Jurisdiction Police Sector or (b) with the Podgorica Security Centre.

16. Special police should be demilitarised and fully integrated into the rest of the service. In addition to harbouring police values and culture, this would also entail that their members are performing regular police duties and engage with the community when not carrying out their specialised tasks or when not undergoing specialised training.
17. Members of the special police should be recruited exclusively from the police ranks and not directly from the public, and only after a mandatory minimum of years on other police duties.
18. The current two special police units should either (a) be fully merged or (b) have their mandates fully differentiated.
19. Parts of the regular uniformed police should be adequately trained and equipped to perform some of the tasks currently designated to Special Police Sector (such as securing public gatherings, e.g. big sport events).
20. A consideration should be given to consolidating special forces capacities in Montenegro by transferring some of the highly specialised staff from police to the military.
21. It would be needed that the Government of Montenegro analyses and reassesses its decision to integrate the national Financial Intelligence Unit into the Police Directorate. This should be led by two principles: (1) FIU's international status and (2) assessment of the results achieved in the field of Prevention of Money Laundering and Terrorism Financing. If a decision is made to keep the FIU within the Police Directorate, it would be necessary to clearly emphasise its non-police character, while its head should continue being appointed by the Government.
22. The current territorial division of the Police Directorate into eight Security Centres could be consolidated into three (North, Centre, and South) or four (North, Centre, South and Podgorica) policing regions. It is, however, important that any potential territorial reorganisation through centralisation of management does not result in detaching the police from citizens and communities throughout Montenegro, nor harm the development of community policing. Regardless of organisation of policing, Montenegro's citizenry must not be deprived of the access to its police.
23. On-call duty centre capacities should be consolidated by centralisation, accompanied by adequate technological upgrading and additional training of operators. Eventually, Montenegro should build a single communication centre for all emergency services: police, fire-fighters, medical emergency, and sea rescue.
24. The management structure of many parts of the Police Directorate is still quite hierarchical, with many cases in which managers supervise very small personnel. Such 'vertical' organisational structure should be gradually replaced by a more 'flat' structure, with fewer managers supervising more police officers.
25. A policy of greater decentralisation of operational decision-making should be enacted and formalised as part of the territorial reorganisation of the Police Directorate, in a sustainable way, with subsidiarity as the guiding principle. This should primarily mean a sustainable transfer of authority over issues specifically related to policing in that community to regional and municipal police authorities.
26. The Police Directorate should have full professional autonomous in human resources planning and management, independently of the Ministry of Interior.
27. There is a need for strengthening the capacity and effective mandate of the Service for Human Resources, Personnel and Legal Affairs. It should be able to develop human resources

- management and development strategies and career development plan. This should be done in close co-operation with the Department for Analytics and the Improvement of Policing.
28. The Police Directorate needs to downsize and rationalise the number of staff, but only after a thorough functional analysis, which should be conducted throughout the Police Directorate, under the joint lead of the Service for Human Resources, Personnel and Legal Affairs and the Department for Analytics and the Improvement of Policing. Information regarding this important process should be disseminated to all staff as soon as possible, and they should be given adequate time to adjust to changes.
 29. Once the decisions on downsizing are made upon the functional assessment, the reduction of number of staff should be followed by an adequate social programme. The effective integration of redundant employees into society will need to comprise not just financial compensation, but also professional retraining and start-up credits and grants for small businesses. This will require a joint effort from the Police Directorate, the Ministry of Interior and the Government of Montenegro, which should also seek international support for this process.
 30. The only way to become a police officer should be after graduating from the Police Academy. All graduates should start their career at the uniformed police and spend a defined minimal period at the starting level, on beat and patrol duties, in daily touch with the community, before being allowed to apply for other duties. An exemption could be made for forensic officers.
 31. An objective and results-based performance evaluation system should be developed, for the benefit of both the Police Directorate as an institution and its employees.
 32. All available positions within the Police Directorate should be filled through an open application process inside the Police Directorate. They should be advertised internally, and all candidates should be tested, while shortlisted candidates should be interviewed by a panel of senior officers and a human resources representative. Political and other clandestine appointments to operational positions should be forbidden. It is crucial that all recruitment and selection procedures guarantee a transparent, equal, predictable, and merit-based process.
 33. Appointment to a managerial post should be conditioned by successful completion of management training. The design of management training should be done to reflect job requirements and to allow for the flexible provision of training in line with the work demands of most police officers.
 34. A more active policy of recruitment and career development of women and of different ethnic, linguistic, and religious groups is necessary for progressing towards a more representative police service, capable of addressing the specific safety and security concerns of different segments of Montenegro's population.
 35. Police Directorate should develop a plan to eliminate the obstacles for keeping women in police jobs, for accessibility of all posts throughout the Police Directorate to, as well as for their upward mobility.
 36. The wellbeing of police officers should be prioritised by the leadership of Police Directorate. This should entail both the respect of their labour rights and adequate healthcare, with an emphasis on mental health.
 37. Recently established system of 'persons of trust'—experienced and trustworthy colleagues whom police officers can approach in confidentiality—should be further supported, mainly by empowering those designated with this role with training how to adequately respond to

- their colleagues looking for help and support. The designated persons of trust should also be adequately compensated for performing this role in addition to their police work.
38. The faculty of the Police Academy should be continuously supported to ensure that they are all familiar with adult teaching principles, practical police experience and could use relevant literature in foreign languages. It is especially important that this job is perceived as prestigious in every aspect, so that the most competent police experts are attracted to teach at the Police Academy.
 39. The Police Directorate should make efforts to improve the system of professional mentorship for the Police Academy students and for newly employed officers. Mentors should themselves be specifically trained for this important role and should receive additional compensation on top of their regular salaries. This duty should be made prestigious in every aspect, so that experienced and competent police officers gladly apply for it, rather than simply being given this duty.
 40. The Police Academy should be integrated within the structures of the Police Directorate.
 41. Currently inadequate affirmative action system of enrolment into Police Academy's basic police training should cease and a new system for ensuring the diversity and representativeness of the police service should be put in place. The Police Academy and the Police Directorate should jointly organise targeted and tailor-made campaigns to attract more women and ethnic groups and thus improve the diversity and representativeness of both the student body and of the police service.
 42. Police Directorate should develop a systemic approach to police management training, which would be a regular requirement for climbing to management positions.
 43. Specialised training should be improved by greater cooperation of the Service for Human Resources, Personnel and Legal Affairs and heads of organisational units throughout the Police Directorate in the selection of participants and the specification of training needs, so to address job requirements and career development plans. There is a need for clear procedures for communicating training needs to the Police Academy so it could develop relevant courses.
 44. The use of police resources (such as vehicles and fuel) for private purposes of senior management should cease instantly and vigorously monitored. Police Directorate should sell the surplus of vehicles.
 45. Donations should be received only if they meet the planned needs of the police service.
 46. Police should not receive donations from private sources, as this may lead to unwanted influence of private interests over policing.
 47. The decentralised approach to budget planning should be encouraged, developed and made sustainable. Budget planning should be an obligatory part of management training and standardised budget proposal forms should be developed, in which organisational units could enter their requirements at the beginning of budget planning cycle. Budget planning should also be closely tied to and become a regular part of the general planning within the Police Directorate.
 48. The procurement of new equipment should not be conducted on an *ad hoc* basis, but as a result of assessment and planning. The transparency of procurement procedures needs to be ensured by public tenders and by the scrutiny of the Assembly, State Audit Institution, Ministry of Interior, and the public.

49. The indiscriminate and non-transparent use of special procurement procedures needs to be discontinued as a matter of urgency and a rigorous financial oversight needs to be established.
50. The Law on Public Procurement should prescribe: (1) obligation of preparation of confidential procurement plans, with the prescribed minimum of information (e.g. subject of procurement, estimated value, procedure to be applied); (2) obligation of submitting these plans to the Parliamentary Security & Defence Committee for consideration and review and to the Government for adoption; (3) obligation to prepare reports on confidential procurement with relevant information on each of them (i.e. subject of procurement, estimated and executed value, applied procedure, and number of bids); (4) obligation of submitting annual reports on confidential procurement procedures to the Parliamentary Security & Defence Committee for consideration and review and to the Government for adoption; and (5) procedures which can be applied for security and defence procurement, method of collecting and evaluating bids, and evaluation criteria.
51. A system of ongoing independent performance and financial auditing needs to be established.



POLICE ACCOUNTABILITY

No police service can function effectively without accountability. Police services are commissioned by the state to provide public order and to fight against crime. To do this effectively and efficiently, they are given some special competences and capacities, but these come with special responsibilities. In democratic societies, police services are expected to uphold the rule of law and to be accountable for their actions. For this to be achieved, they are overseen by institutions—democratically elected authorities, a judiciary, and independent bodies that provide oversight—but also by the public. Unaccountable policing undermines the confidence of citizens in the ability of a state to protect them from disorder and crime, and thus damages the very fabric of a society.

The influential *Study on Policing in the Federal Republic of Yugoslavia*⁵⁶ (often called *The Monk Report*), authored in 2001 by Richard Monk, the then Head of the OSCE Strategic Police Matters Unit, emphasised six aspects of police accountability: legal, political, performance, financial, public, and professional.

1. *Legal accountability* refers to accountability of all individual police officers and of the whole service to the law.
2. *Political accountability* is a concept by which the police are accountable to elected representatives who give them policy directions and who oversee their work, as well as their effectiveness and efficiency.
3. *Performance accountability* was described by Monk as the ability of a police service to be effective, efficient and give value for money.
4. *Financial accountability* refers to the fact that a police service uses public funds and is thus accountable for their spending.
5. *Public accountability* is exercised by institutions and groups representing the citizenry (such as independent oversight bodies, NGOs or municipal safety councils), as well as by the media.
6. *Professional accountability* is about upholding the norms of police ethics and discipline. Their breaches are not necessarily of criminal nature, but any infringement of legal accountability simultaneously constitutes the infringement of professional accountability.

⁵⁶ Monk, Richard (2001) *Study on Policing in the Federal Republic of Yugoslavia* (OSCE: Vienna), pp. 17-18.

The Monk Report served as a basis to initiate the OSCE's support to police reforms in both Montenegro and Serbia, as well as to shape its direction for years to come, so this classification will be rather useful for this Report too.

Before going into greater depth with regard the matter of police accountability in Montenegro, three key findings of this part of research for this OSCE Report need to be highlighted, as the analysis will largely revolve around them:

1. The incremental continuation of the progress recorded in the latest OSCE Report on police reform in Montenegro⁵⁷ can be noticed in this Report too. However, while some aspects of police accountability have progressed, others have suffered setbacks, even quite serious ones.
2. Montenegro has a very elaborate institutional setup for police oversight, but it is not always capable of adequately addressing police accountability issues, because (a) some parts of the system work better than others, (b) they do not always cooperate well, and (c) their jurisdictions are not always delineated.
3. The existing deficiencies of police accountability have two sources – internal and external. Mitigating the former requires substantial commitment from the Police Directorate and the Ministry of Interior, while the latter necessitates a depoliticisation of policing.

Police accountability is also an area of specific significance for Montenegro's aspirations to become a member state of the European Union (EU). As a part of the accession negotiations with the EU, three priority areas related to police accountability have been identified within the Negotiation Chapter 23 (*Judiciary and Fundamental Rights*) and included in the Action Plan for it:

4. Prevention of corruption – through implementation of the Integrity Plan, capacity building and equipment;
5. The fight against corruption in the police – by investigation, prosecution and adjudication of cases of corruption reported by citizens, NGOs, media and Internal Police Control Department (IPCD), including the cases of high-profile police corruption, as well as through campaigns for such reporting; and
6. Investigation of torture and inhuman or degrading treatment or punishment.

Montenegro and the EU have jointly identified policing as one of the areas especially vulnerable to corruption (together with privatisation, public procurement, urban planning, education, healthcare and local self-government),⁵⁸ which therefore requires the development of specific measures to prevent it. In addition, the EU is insisting on verdicts for corruption against officials of the Ministry of Interior and the Police Directorate, but this has not happened thus far.⁵⁹

57 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 78.

58 Government of Montenegro (2013) *The Negotiating Position of Montenegro for the Intergovernmental Conference on the Accession of Montenegro to the European Union for the Chapter 23 Judiciary and Fundamental Rights*, p. 48. Available: www.mep.gov.me/ResourceManager/FileDownload.aspx?rId=276994&rType=2 (Accessed 20 October 2019).

59 Čalović, Vanja et al. (2018) *The Fourth Report on Implementation of Action Plan for Chapter 23* (Podgorica: MANS), p. 81. Available: www.mans.co.me/en/wp-content/uploads/2018/03/4ReportAP23.pdf (Accessed: 20 October 2019).

2.1. OVERVIEW OF THE SYSTEM OF POLICE ACCOUNTABILITY

Montenegro has a very elaborate institutional architecture of police accountability. After the re-establishment of the Police Directorate as a separate public authority out of the structures of the Ministry of Interior, the mechanisms of police oversight can be grouped into three categories: internal, quasi-internal, and external.

Proper **internal** police oversight is performed within the Police Directorate. It is currently composed of three mechanisms:

1. Professional oversight of individual police officers performed by their direct supervisors;
2. Oversight of performance of organisational units of the Police Directorate by its senior management; and
3. Internal financial oversight attributed to the Police Directorate's Internal Audit Department.⁶⁰

The form of police oversight that is here termed as **quasi-internal** used to be internal, when the Police Directorate was part of the Ministry of Interior. After the separation of the two institutions, these mechanisms continued to act in the manner in which internal oversight operates, yet performing their duties from a separate authority. There are five institutional mechanisms of this type of police oversight:

1. Minister of Interior,
2. Disciplinary Commission,
3. Board of Ethics,
4. Oversight Directorate, and
5. Internal Police Control Department.

External police oversight comprises several mechanisms that existed before the separation of the Police Directorate from the Ministry of Interior, but have not been impacted by this organisational change.

1. Judiciary
2. Parliamentary Committee for Security & Defence
3. Council for Citizens Control of Police Work
4. Ombudsman
5. State Audit Institution
6. NGOs
7. Media

⁶⁰ Since the re-establishment of the Police Directorate as a separate authority, this Department has not been staffed.

Table 2: Categorisation of Police Oversight Mechanisms

Police Oversight Mechanisms		Types of Police Oversight			Aspects of Police Accountability					
		Internal	Quasi-internal	External	Legal	Political	Performance	Financial	Public	Professional
Police Directorate	Police Supervisors									
	Police Directorate Management									
	Internal Audit Department									
Ministry of Interior	Minister of Interior									
	Disciplinary Commission									
	Board of Ethics									
	Oversight Directorate									
	Internal Police Control Department									
Other	Judiciary									
	Assembly of Montenegro									
	Council for Citizens Control of Police Work									
	Ombudsman									
	State Audit Institution									
	NGOs									
	Media									

61 Through the Security and Defence Committee.

2.2. INTERNAL POLICE OVERSIGHT

After the Police Directorate was separated from the Ministry of Interior, and after its re-establishment as an independent public authority, proper internal police oversight is performed within the Police Directorate. It should be noted that few powers have been left at its disposal.

Professional oversight of individual police officers is implemented by their direct supervisors, while the professional oversight of performance of organisational units is implemented by the senior management of the Police Directorate and ultimately by the Police Director. The first form of professional oversight requires the professionalism of police managers of all ranks. They need to be properly trained and equipped to hold their staff accountable in this sense, so it should be an integral part of the police management training. The second form of professional oversight—that of the performance of organisational units within the Police Directorate—requires an even more sophisticated set of oversight skills and tools. In developing and implementing such skills and tools and this form of professional oversight in general, the Police Director and other senior management should rely on the support of the Department for Analytics and the Improvement of Policing and by the Police Director’s Adviser.

One thing that should be noted when it comes to professional accountability is the integrity of police officers. To paraphrase the words of one a member of Police Directorate who was interviewed for this Report – the strengthening of integrity and change of institutional mentality are sometimes more important than oversight and control mechanisms. This statement is being largely substantiated by the practice of the graduates of the past 11 cohorts of the Police Academy in Danilovgrad, as a lot has been invested in their socialisation as police officers with internalised policing values and ethics.

Internal financial oversight is supposed to be performed by the Police Directorate’s Internal Audit Department, but it has not yet been staffed. It is a legal obligation of all public authorities to conduct an internal audit. The establishment of capacities for that will be required to ensure the fulfilment of this legal obligation.

2.3. QUASI-INTERNAL POLICE OVERSIGHT

The **Minister of Interior** is ultimately in charge of all aspects of oversight performed by the Ministry and of all the oversight mechanisms within it, but should primarily be seen through the Minister’s political role of overseeing policing on behalf of the executive branch of government. The Minister is tasked with charting the policy of law enforcement (utilising the resources of the Ministry’s Strategic Development Directorate) and in holding the Police Directorate accountable for delivering the objectives of these policies. In addition to regular reporting, the Police Directorate is obliged to provide the Minister (as well as the Government) with concrete answers and information he may request.

The **Disciplinary Commission** is a mechanism for ensuring the professional accountability of police officers. Until 2018, it had 11 members appointed by the Minister of Interior – four (including the Chair) from the Ministry and seven from the Police Directorate. After the 2018 adoption of the Law on Public Servants and State Employees, this was transferred to the five-member Disciplinary Commission of the Government of Montenegro. The biggest issue with the work of the Disciplinary Commission is that it has completely ignored the legal accountability established by the courts. Police officers sentenced for criminal acts are not subjected to disciplinary pro-

cedures, with a rationale that they have already been processed. This ignores the principle that any infringement of legal accountability simultaneously constitutes the infringement of professional accountability and that disciplinary procedure does not represent double jeopardy.⁶²

The **Board of Ethics** is another body of the Ministry of Interior tasked with overseeing the adherence of police officers to the Code of Police Ethics by giving its official opinions, promoting ethical standards and behaviour in the police, and initiating changing and amending of regulations on police ethics. The first code was introduced in 2006, in line with the European Code of Police Ethics, adopted in 2001 by the Committee of Ministers of the Council of Europe. It was replaced with another Code of Police Ethics in 2013.⁶³ The Code of Police Ethics was then amended in 2016 with provisions that police officers are bound by the norms of police ethics also when they are off duty and on social networks. The Board of Ethics has seven members – one from the Ministry of Interior, four from the Police Directorate, one from the Police Union, and one representative of civil society. It sits at least once every month and rules on cases mainly submitted by police managers, citizens, NGOs, and the Council for Citizens Control of Police Work. It is not uncommon that police managers submit rather minor cases to the Board instead of taking action themselves, thus avoiding their own responsibility to act.

The role of the **Oversight Directorate** is to ensure the respect of professional standards in the police service on behalf of the Ministry of Interior, as authority in charge of performing oversight over police on behalf of the executive branch of government. As described earlier in this Report,⁶⁴ 22 out of its 35 systematised staff posts are to be manned by police officers, which is not the case, so the capacity of the Oversight Directorate to perform its formally designated tasks⁶⁵ remains under question.

The **Internal Police Control Department (IPCD)** was originally established in 2003 as the single most important mechanism of internal accountability. It is formally designated to perform the tasks related to:

Control of the legality of performing police tasks, especially regarding the respect and protection of human rights while performing police tasks and implementing police competences; undertaking operational and other measures and acts in accordance to the law in investigating and suppressing criminal acts of police officers conducted in work or in relation to work (especially criminal acts with elements of corruption, criminal acts against human and civil liberties and rights, and other officially prosecutable criminal acts); conducting checks and gathering information and evidence necessary

62 The most notorious case was when the commander and two members of the then Special Antiterrorist Unit were not processed disciplinary although they were sentenced to prison for the excessive use of force against demonstrators in Podgorica in October 2015. They could return to job as an amending of the Law on Internal Affairs in 2015 lifted the threshold of time spent in prison required for a police officer to be fired to six months.

63 The new Code of Police Ethics was announced in the previous OSCE Report, with an expectation that it would give the Board of Ethics power “to give the Police Administration employees a warning or serious warning, as a repressive aspect of its activity”, but this has not happened. Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 86.

64 Chapter 1. *Institutional Framework for Police Reform*, section 1.1. *Police Administration within Montenegro's Public Administration*.

65 Government of Montenegro, Ministry of Interior (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Ministarstva unutrašnjih poslova [Rulebook on Internal Organisation and Systematisation of the Ministry of Interior]*, Art. 5.1.

for initiating and running criminal and disciplinary proceedings against police officers in cases of the existence of justified suspicion that a crime or violation of duty was committed by a police officer's conduct or behaviour; performing the checks upon the complaints of citizens and legal entities submitted to the Internal Police Control Department or to the Ministry of Interior in relation to the work, conduct or behaviour of police officers during their performing of police activities, implementation of police competences, or out of duty; proposing measures for removing the causes of illegal and unprofessional conduct and behaviour of police officers; monitoring the state of internal discipline and professional ethics in the police service; maintaining relevant registries; preparing reports, analytical information and other materials; performing other controls of significance for the legal work of the police; and performing other tasks from the Department's prerogatives.⁶⁶

The ICPD was originally established as an organisational unit of the Ministry of Interior, then of its Public Security Sector and remained its part when it was originally taken out of the Ministry to become the Police Directorate. As described in the last OSCE Report on police reform,⁶⁷ the ICPD's work was paralysed in 2009 as a result of a clash over control of it between the two (then separate) authorities. The then-Minister demanded that the IPCD be put under his direct supervision, with the rationale that it would give more independence and objectivity. This negatively impacted upon the ICPD's work until it was transferred to the Ministry in 2010, to become directly answerable to the Minister of Interior. This remained the case both when the Police Directorate was reintegrated into the Ministry in 2012 and now, when it has again been re-established as an independent public authority.

While such an institutional setup is not in itself bad—as the IPCD now has the ability to investigate the leadership of the Police Directorate—it has to be acknowledged that this arrangement prevents the IPCD from being considered a proper internal oversight mechanism. It is therefore even more important to ensure that it is free from any political pressure, which has not always been the case.⁶⁸ The IPCD must be operationally independent in investigating potential wrongdoings of the police, even if it is against the political positions or wishes of a Minister who is their superior.

While the IPCD competences did not change as a consequence of these institutional reshufflings, its ability to work may. This must be overcome by all means. The Police Directorate leadership should provide the IPCD with all necessary means to operate as if it was its part, otherwise claims that there exists internal police control in Montenegro are highly questionable.

The IPCD must, for example, be given systemic real-time access to all police operations, evidence, databases⁶⁹ and communications. This should not be on a case-to-case basis, nor reliant upon filing official requests, but such access should be automatic (otherwise, suspects in the police could be alarmed that they are being investigated). Conversely, all such access should be recorded, to prevent potential misuse of accessed data.

66 Ibid. Art. 10.

67 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 81.

68 For example, immediately after the violent crackdown on demonstrations in Podgorica in October 2015, the then-Minister publicly stated that there the police acted lawfully, which was later proven wrong in court. In that situation, IPCD was in a very difficult position to actively investigate the abuse of police powers and thus act against directly their boss.

69 As once already recommended by Montenegro's Agency for Private Data Protection. Agency for Private Data Protection (2012) *Izveštaj o stanju zaštite ličnih podataka u Crnoj Gori za 2011. godinu* [Report on the State of Protection of Personal Data in Montenegro in 2011], p. 55.

The IPCD should also have automatic access and priority when it comes to the use of forensics and special investigative means, which belong to relevant police units, since the development of separate such capacities exclusively for the IPCD would not be cost-effective in the case of a relatively small police service.

Another problem of the current institutional setup is related to the use of special investigative means. The legislation does not recognise that the IPCD is not within the Police Directorate and states that the use of special investigative means is approved upon the request of the police. The Criminal Procedure Code should therefore be amended to allow the IPCD to request them independently from the Police Directorate, as well as from the Ministry of Interior.

The separation of IPCD from Police Directorate also poses an administrative challenge. It is imperative that the IPCD is staffed by top criminal investigators, both in terms of their ability and integrity, which requires an unhindered flow of such staff between the Police Directorate and IPCD. It is more complex now, when these are different employers. It is therefore necessary to overcome this administrative challenge. This is especially critical at this moment, when the IPCD has 23 systematised job posts, but only 16 employees. This is often due to lack of motivation to serve in a very demanding position without many additional advantages. All posts within the IPCD should be advertised within the Police Directorate (on top of being advertised through the Government's Human Resources Management Administration), which should in turn guarantee that these criminal investigators can return to the Police Directorate when they finish working on internal control.⁷⁰ Recruitment procedures should ensure that only those police officers who possess the highest integrity and impeccable career history can become IPCD members. It would also be advisable that the Police Directorate follows the practice of numerous police services in the world, in which it is regulated that serving a certain period of time on internal control duties is a prerequisite for applying for senior jobs in criminal investigation. Serving with the IPCD should be considered prestigious, as well as an attestation of a police officer's integrity. Its members should also receive substantially higher salaries than their counterparts on similar levels in other parts of the Police Directorate. In addition to the lack of human resources, the IPCD lacks other resources too, such as adequate premises and vehicles. This also requires improvement.

As stated in the previous OSCE Report, the IPCD has not used its full competencies.⁷¹ It usually acts upon complaints from citizens, while its cooperation with other oversight mechanisms (such as Ombudsman or the Council for Citizens Control of Police Work) is pretty much non-existent and the IPCD has rarely followed-up more general conclusions and recommendations made by them. The number of complaints received from citizens fell drastically in comparison to the previous reporting period (2006-2011). This decrease could be a consequence of citizens having less reason to complain about police or, on the contrary, of weak visibility of internal control in the public. The IPCD should therefore regularly run awareness or profile raising campaigns promoting its work and implement preventive actions. They should also regularly consult other institutional mechanisms of police oversight, as well as human rights NGOs. The IPCD representatives could also take part in meetings and other consultations with local communities (once these are established within the community policing framework), to educate citizens on their rights and on the complaints procedure. It is even more concerning that the IPCD rarely uses its authority to undertake proactive investigations of potential police wrongdoing.

70 This is a matter of principle, as people who move from one public authority to the other, to perform tasks which are necessary for the service and by their nature temporary, ought to be guaranteed a return to their original authority, to a duty at the same, similar or higher level as the one they held before. This guarantee is especially important due to high sensitivity of the job in internal control. If this is adopted as the principle, finding an appropriate administrative solution (currently lacking) will be a matter of legal technique.

71 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 82.

2.4. EXTERNAL POLICE OVERSIGHT

The **judiciary** is the institution for upholding legal police accountability. Courts decide on cases against individual police officers and the Police Directorate as an institution (including the appeals against the decisions made by relevant oversight bodies) and on the use of special investigative means. Prosecutors are tasked with ensuring the legality of every step during investigations. During the research for this OSCE Report, some strong concerns were registered with regard to the impartiality of the judiciary in cases involving police. It is noticeable that criminal proceedings in which police officers are defendants tend to last longer than for general population. On the other hand, sentences against individuals who assault police officers tend to be delivered with relative speed and efficacy. A message that police officers should not be attacked is certainly commendable, but it should be applied consistently. The most famous exception took place in 2019, when a police officer was verbally and physically attacked (slapped on the face) by a businessman with personal ties with the high strata of government. This was a very unusual case in which the prosecution did not request detaining the assailant, which sends a message which can only be devastating for the morale of the police. A famous contrary case is of an MP pushing a police officer during demonstrations in front of the parliament building. This MP was stripped of parliamentary immunity and sentenced to four months in prison, which he duly served. It is of utmost importance for police accountability, therefore, that the judiciary is fully independent, impartial and functioning.

Parliamentary oversight of police is primarily exercised by the Security and Defence Committee of the Assembly of Montenegro, established in 2005. At the end of the reporting period, it was composed of 12 MPs – seven from the ruling parties (including the Chair) and five from the opposition. Political parties consider it to be very important, which is reflected in the fact that they delegate a number of senior officials and veteran MPs to the committee.

Table 3: Composition of the Committee for Security and Defence since 2016

Political parties represented in the Committee		Number of MPs in the Committee		
Government	Democratic Party of Socialists	6	7	12
	Social Democrats of Montenegro	1		
Opposition	Democratic Front (coalition)	3	5	
	The Key (coalition)	1		
	Social Democratic Party	1		

The Geneva Centre for Security Sector Governance (DCAF) has developed an analytical framework for assessing the parliamentary oversight of the security sector⁷² and it will be used here to assess the oversight of the police by the Assembly of Montenegro and its Security and Defence Committee. The parliamentary performance in oversight is assessed through ‘three As’: authority, ability and attitude. *Authority* refers to a parliament’s formal mandate to oversee security sector; *ability* refers to its capacity to perform this role; and *attitude* refers to the will to do so.

In short, it can be concluded that parliamentary oversight in Montenegro significantly deteriorated during the reporting period. The existing legal and institutional framework and capacity provides the sufficient foundation for effective parliamentary oversight of policing, yet there is the lack of the third ‘A’, i.e. of the attitude (or “a strong commitment to democratic process”⁷³) to scrutinise the work of the executive. On that basis, it has to be acknowledged, that the Assembly of Montenegro currently does not work in full capacity due to high levels of tension and mutual distrust between political parties.

The political scene remains fragmented, polarised and marked by a lack of political dialogue, particularly in the democratic institutions where it belongs. [...] With the exception of one opposition coalition group and 3 independent MPs, who returned to the Parliament in December 2017, the opposition as a whole has boycotted its legislative activity since the Parliament’s convocation in November 2016.⁷⁴

Being among the few countries with a special law on parliamentary oversight of the security sector (Law on Parliamentary Oversight within the Area of Security and Defence⁷⁵ adopted in 2010), Montenegro has a very advanced legal framework. This law stipulates the parliamentary mandate for oversight and it provides the Security and Defence Committee with advanced competences,⁷⁶ including access to all levels of confidential data. The law obliges the Committee to adopt its annual plans, so they would actively undertake responsibility, rather than just passively responding to the executive branch. It also empowers the opposition, as it stipulates that a Committee session can be convened upon the request of one third of members. The Committee also has guaranteed access to confidential data necessary for oversight and, additionally, its members are issued security certificates. The different exceptions to the access to confidential data are generally in line with good European practice and they can be compensated by relying on other oversight bodies with such access (e.g. Ombudsman or State Audit Institution).

The Assembly of Montenegro possesses the basic resources for the oversight of the police. The Committee on Security and Defence has competent and permanently employed staff to support its work and different international donors (e.g. OSCE and DCAF) have continuously been providing the employees of the Assembly of Montenegro with support, such as the specialised training and mentoring required for this work. The security institutions are legally bound to provide expert support at the request of the Committee. MPs had ample opportunities to go through various capacity building programmes and take part in the study visits to build specialised skills for oversight, and this type of support has for a number of years been offered to each new convocation.

72 Geneva Centre for Security Sector Governance (2015) “Parliaments”, *SSR Backgrounder Series* (Geneva: DCAF).

73 Ibid.

74 European Commission (2018) *Commission Staff Working Document: Montenegro Report*, p. 8.

75 *Službeni list Crne Gore [Official Gazette of Montenegro]* No. 80/2010.

76 Sošić, Marko (2012) *Law on Parliamentary Oversight of Security and Defense Sector: First Year of Implementation – 2011 Monitoring Report* (Podgorica: Institute Alternative), p. 30.

Regrettably, neither the advanced and comprehensive legal framework (*authority*), nor the Committee's capacity (*ability*) can guarantee effective oversight without the will (*attitude*) to perform effective oversight of police. Such a logical conclusion of the research for this Report, is corroborated and well-documented by the Podgorica-based think-tank Institute Alternative, through its analytical monitoring⁷⁷ and by warning the public about the systemic weakening of parliamentary oversight.⁷⁸

The oversight agenda is *de facto* set by the executive branch. For instance, in the words Institute Alternative's public policy researcher Dina Bajramspahić, in 2018:

[O]nly three of the 19 sessions were held at the initiative of the members of this Parliamentary body, while all others were held after the Governments and other bodies, in accordance with their legal obligations, submitted the relevant acts to the Assembly. [...] Two out of the three sessions that were held on the initiative of the Committee itself were technical, dealing with the consideration of the Report on the work of the [Committee] for the previous year and the adoption of the Parliamentary Oversight Plan for the next year, and the activity that was crucial when it comes to the control role of the Committee in 2018, was related to the hearing about the wounding of the journalist Olivera Lakić, [...] Committee is the one that has the role of the controlling authority, and the executive authority is the one under supervision. However, the agenda of the Committee shows that the Government is the one who has the initiative, sending materials for consideration, while the Committee passively accepts these documents. [...] The Committee never considered the Police Development Strategy with accompanying action plans, as well as a number of other strategic documents related to the work of the Police and other bodies.⁷⁹

The Committee predominantly relies on regular and obligatory reports delivered by security institutions and their scrutiny is often rather formal. There is a trend of discussing several reports in the same Committee session, which does not provide the opportunity for in-depth scrutiny of specific issues. The Committee publicises only the general conclusions of its sessions, without informing the public of details or evidence which are not confidential.

The lack of oversight is especially damaging when the parliament does not provide political accountability for major incidents that undermine public trust in the police. The biggest example is the failure of the Security and Defence Committee to organise an inquiry into the events of October 2015. This cannot and should not replace formal investigation, prosecution and trial, nor should it exercise undue political pressure on the police. The purpose of such inquiries is to examine the systemic causes which contributed to such incidents, for the sake of preventing future occurrences.

The authority for oversight enables the Committee to exercise an active scrutiny of especially sensitive and high-risk areas, for which the executive branch does not produce regular reports. Two most

77 Institute Alternative. Parliamentary Program. Available: <https://institut-alternativa.org/en/ia/parliamentary-program/> (Accessed: 15 October 2019).

78 Institute Alternative (24 December 2018). *The Committee must perform the role assigned by the law – otherwise it will lose its authority*. Available: <https://institut-alternativa.org/en/the-committee-must-perform-the-role-assigned-by-law-otherwise-it-will-lose-its-authority/> (Accessed: 25 October 2019).

79 From the press conference by held on 24 December 2018. Institute Alternative (24 December 2018). *The Committee must perform the role assigned by the law – otherwise it will lose its authority*. Available: <https://institut-alternativa.org/en/the-committee-must-perform-the-role-assigned-by-law-otherwise-it-will-lose-its-authority/> (Accessed: 25 October 2019).

important such areas when it comes to policing are corruption risks (e.g. transparency, procurement, and financial, material and human resources management) and the legality of use of special policing competences (e.g. the use of coercion and special investigative means⁸⁰). In its work so far, the Security and Defence Committee has not actively pursued this.

Budgetary oversight is one of the key tasks of parliaments and it is also key for its scrutiny of the security sector. It is performed through parliaments to approve, amend and reject the budget and to oversee the expenditures and the planning of acquisition. The Assembly of Montenegro is also authorised to do this, yet the scrutiny of budgetary spending for security is not nearly as robust as it should be.⁸¹ The Security and Defence Committee does not do much apart from looking into budget proposals and it does not review the spending for police. An appropriate level of oversight would mean that it is actively involved in all phases of the budget cycle for the Police Directorate. It also does not have real cooperation with the State Audit Institution, nor does it monitor if or how its recommendations are implemented. On the contrary, it was at the request of the State Audit Institution and not on its own initiative that the Security and Defence Committee analysed audit report on the Ministry of Interior.⁸² It is of particular concern that the Committee does not scrutinise public and confidential procurement for police,⁸³ and an example of this is that it did not react when the Ministry of Interior changed its Public Procurement Plan on nine separate occasions during 2018.⁸⁴

The Committee also does not draw sufficiently on the external analytical and research capacities of civil society and academia. It is indeed regrettable, as such external support is readily available, since Montenegro, although a small country, possesses numerous credible and capable think-tanks and other NGOs specialised in the areas of human rights, rule of law, anticorruption and governance, including the governance of the security sector. This expertise could be utilised far more effectively and would complement the capacities of MPs and parliamentary staffers. To be properly utilised and impartial, consultations with civil society need to be credible, inclusive and non-discriminatory.

The **Council for Citizens Control of Police Work** is an independent body, legally established in 2005. Its five members are elected by the Assembly from five categories: human rights NGOs, the University of Montenegro, and three professional associations: the Bar Association, the Medical Doctors' Chamber and the Association of Legal Professionals. The Council's oversight is primarily focused on the protection of human rights and freedoms and is funded from the annual state budget in which it

80 The information publicised at a press conference in December 2018 by the Institute Alternative's analyst Dina Bajramspahić is indeed striking: "[T]he Committee did not deal with the measures of secret surveillance applied by Police Administration since 2012 at the premises of these bodies. The Committee also did not request special reports on the application of these measures, although the Law specifically mentions that jurisdiction."

Institute Alternative (24 December 2018). *The Committee must perform the role assigned by the law – otherwise it will lose its authority*. Available: <https://institut-alternativa.org/en/the-committee-must-perform-the-role-assigned-by-law-otherwise-it-will-lose-its-authority/> (Accessed: 25 October 2019).

81 Kloper, Franziska, Douglas Cantwell, Sonja Stojanović & Miroslav Hadžić (eds.) (2012): *Almanac on Security Sector Oversight in the Western Balkans* (Belgrade: Belgrade Centre for Security Policy & Geneva: DCAF).

82 Institute Alternative (24 December 2018). *The Committee must perform the role assigned by the law – otherwise it will lose its authority*. Available: <https://institut-alternativa.org/en/the-committee-must-perform-the-role-assigned-by-law-otherwise-it-will-lose-its-authority/> (Accessed: 25 October 2019).

83 Đurnić, Ana (2018) *Confidential Procurement in Montenegro: Far from Public's Control* (Podgorica: Institute Alternative).

84 PointPulse (22 November 2018) *Procurement for Security Sector in the Legal Vacuum until 2020*. Available: <https://pointpulse.net/activities/procurement-for-security-sector-in-the-legal-vacuum-until-2020/> (Accessed: 1 November 2019).

represents a separate category, on a par with public authorities and institutions. Initially, the Council had a somewhat opaque role and was often perceived as being politically biased.⁸⁵ Over the years, however, it has built its reputation and started gaining the confidence of both citizens and of police officers (who regularly address it seeking protection of their human and labour rights), being noticeably more visible than other oversight mechanisms. It acts on complaints, but also initiates its own inquiries. The Police Directorate is legally obliged to provide the Council with information and documents upon request. Its assessments and recommendations are submitted both to Police Director and to the party which initiated a case, while the former is obliged to inform the Council about the measures taken. The Council holds regular meetings with the Police Director and senior staff of the Police Directorate. It also produces recommendations for the Police Directorate and if dissatisfied with the reaction, it informs the public and the Assembly. The Council publishes comprehensive annual reports, as well as special thematic reports.⁸⁶ One of the most important of the latter was about the excessive use of force against demonstrations in Podgorica in October 2015,⁸⁷ and one of its authors was the then Head of the Internal Police Control Department.

The **Protector of Human Rights and Freedoms (Ombudsman)** was established in 2003 as an independent authority for overseeing whether public authorities were respecting human rights. It primarily acts upon complaints, but sometimes undertakes independent investigations on its own initiative. Its findings, views, opinions and recommendations are presented annually to the Assembly of Montenegro and to the wider public. The resources of the Ombudsman's Office has grown over time, along with its reputation among the public. The Ombudsman also possesses significant authority in accessing official information of all levels of confidentiality. It cooperates with other oversight mechanisms, but they do not conduct joint investigations.

The area of policing in which it is most specialised is detention, i.e. conditions and human rights of detainees. As of 2013, the Ombudsman's Office became the National Prevention Mechanism for Torture and Other Forms of Cruel, Inhumane and Degrading Treatment of Detainees (NPM). It monitors this area in accordance with standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and publishes annual reports.⁸⁸ Most complaints by citizens against the police received by the Ombudsman are in this area, while most complaints by police officers are in matters of labour rights. After the CPT's visit to Montenegro in 2017,⁸⁹ authorities made it their priority to improve the conditions of detention and to prevent torture and mistreatment of detainees, as this became an important part of the EU accession negotiations in the area of fundamental rights (Negotiation Chapter 23). Generally, it can

85 I.e. supportive of the ruling parties, to the point of ignoring the complaints by police officers who have claimed to be subjected politically persecuted.

Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 87.

86 Council for Citizens Control of Police Work. Available: www.kontrolapolicije.me/biblioteka/publikacije (Accessed: 4 October 2019).

87 Zeković, Aleksandar Saša, Zdenka Perović, Ljiljana Klikovac, Drago Spičanović (2016) *Pravo na fizički integritet i ljudsko dostojanstvo: Oktobarski protesti i primjena policijskih ovlašćenja [The Right to Physical Integrity and Human Dignity: The October Protests and Use of Police Authority]* (Podgorica: Council for Citizens Control of Police Work, Ombudsman, Supreme Prosecutor's Office, Ministry of Interior, Human Rights Action & Civic Alliance). Available: www.kontrolapolicije.me/sites/default/files/library/files/Pravo%20na%20fizicki%20integritet.pdf (Accessed: 4 October 2019).

88 Ombudsman. Izvještaji Nacionalnog mehanizma za prevenciju torture. Available: www.ombudsman.co.me/NPM_Izvjestaji.html (Accessed: 26 July 2019).

89 Council of Europe (2019) Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 16 October 2017. Available: <https://rm.coe.int/1680925987> (Accessed: 26 July 2019).

be said that a gradual progress was recorded between CPT's visits to Montenegro in 2008, 2013 and 2017. The Ombudsman also published a special report on police treatment of children.⁹⁰

The most famous case of the Ombudsman's reaction to police torture was in relation to the demonstrations in Podgorica in October 2015. When all other legal possibilities were exhausted and when all other mechanisms of police accountability failed in front of the 'blue wall of silence' in the ranks of the Special Antiterrorist Unit and in front of the absence of political will to deal with police violence, the then Ombudsman Šučko Baković filed criminal charges against the commander and two members. It came as a surprise to everyone and was followed by pressure being applied on Mr Baković, though he persevered until the epilogue in court.

The **State Audit Institution** (SAI) was established in 2004 and is the primary institution for financial accountability in the public sector. It controls the regularity, thrift, efficacy and efficiency of budget expenditures and state property management. It determines which entities it will audit, the timing and scope of audits, and how will they be conducted. The relevant competence for oversight of police is that the SAI has the right to start the audit without prior announcement and the audited unit has an obligation to make available all requested information and documents including information of confidential nature or documents which are classified as confidential. This is especially important in terms of oversight of special procurement. The SAI can inform the President, Assembly Speaker and Prime Minister on circumstances of a confidential nature which have caused or may cause large-scale damage. It has to bring criminal charges, without delay, if it finds reasons to suspect that a criminal offence occurred. The main concern is that the Government and Ministries are often either late to implement SAI recommendations or they do not implement them at all.

The importance of financial audit for police transparency and accountability is also covered in this Report's first chapter *Institutional Framework for Police Reform* (section *Financial Resources Management*). The main risk to financial police accountability is in the area of exceptions from the regular procedures of public procurement. This happens in cases of procurement of armament, ammunition and other materials necessary for defence and security, when there is no public tender and procurements can be contracted in direct negotiation and without public scrutiny. Current legislation gives too much discretionary power to security sector institutions to proclaim that procurement is a matter of national security, which leaves open the possibility of a potential misuse of funds. This, it should be noted, included multimillion construction contracts,⁹¹ which certainly do not need to be confidential. The SAI should conduct audit of all confidential procurement made by the Police Directorate. In addition, its staff should be trained to oversee the finances of other sensitive payments, such as those for special operational needs, like controlled delivery, as well as donations⁹² to the police from private sources.

While being a small country, Montenegro has quite developed civil society oversight capacities. It has some very reputable think-tanks and other NGOs specialised in the areas of human rights, rule of law, anticorruption and governance, including security sector governance. Most notable among think-tanks are the Network for Affirmation of Non-Governmental Sector (MANS) and Institute Alternative, both based in Podgorica. The former is specialised in investigating the penetration of organ-

90 Stanković, Nevenka, Duška Šljivančanin i Dragan Radović (2014) *Postupanje policije sa djecom* [*Police Treatment of Children*] (Podgorica: Ombudsman). Available: www.ombudsman.co.me/docs/27102014_IZVJESTAJ_O_POSTUPANJU_POLICIJE_SA_DJECOM.pdf (Accessed: 26 July 2019).

91 Bajramspahić, Dina. "Samostalna Policija, da ili ne?" ["Independent Police, Yes or No?"] *Vijesti*, 13 January 2019. Available: www.vijesti.me/kolumne/samostalna-policija-da-ili-ne (Accessed: 30 July 2019).

92 Such practice should essentially be abolished, as it may lead both to unwelcome private influences over policing and to corruption.

ised crime into the public sector, the abuse of public resources, and high-level corruption (including the security sector). MANS is also the Montenegrin chapter of Transparency International. Institute Alternative has a systemic approach to analysing the public sector, public policies, and use of public resources, with the area of policing being one of their particular strengths. In addition to them, Montenegro has a number of human rights NGOs which scrutinise policing from that perspective.

Media oversight is generally not very strong in Montenegro, as there are not many journalists specialised in policing and even fewer approaching it from the position of systemic police oversight. Some journalists who report on crime have suffered various pressures, with the most drastic example of Olivera Lakić of the *Vijesti* daily newspaper who was shot and wounded in May 2018. One of the most important tools that journalists have is free access to information of public significance, but this may come in question soon, if the announced legislation which would limit access to information on policing is enacted to provide the Police Directorate with discretionary powers on deciding which information should not be accessible to the public.⁹³ During the research for this Report, it has been noticed and should be both commended and encouraged that the Police Directorate is becoming more open to the media and better in their communication with them.

2.5. POLICE ACCOUNTABILITY IN THE EYES OF THE PUBLIC

Despite the plethora of police oversight mechanisms, the citizens' perception of police accountability and integrity is still to be improved. As noted in the previous OSCE Report,

Public perceptions of police involvement in corruption and organised crime, discriminatory treatment of marginalised groups and political opponents, as well as the belief that it is 'useless' to press charges against police officers remain prevalent throughout Montenegrin society.⁹⁴

Montenegro is ranked on 67th place among 180 countries and territories examined in the famous Corruption Perception Index by Transparency International. While the Police Directorate is one of the most trusted institutions in Montenegro, a CEDEM survey from 2017 shows that 50.4% of citizens believe that they would need to offer bribe in communication with police officers, which ranks them second, behind healthcare workers.⁹⁵ This is corroborated by a 2014 survey by public polling agency Damar, which ranked Police Directorate as the second most corrupt institution (15.9% of respondents) after the healthcare system (30%).⁹⁶ When it comes to serving the public interest, an Institute Alternative survey from 2016 shows that the biggest number of respondents believe that police serves the citizens (39%), but that almost two thirds think otherwise – 30% percent believe that it serves to protect the government's interest, 16% that it serves the interests of the highest

93 Access Info Europe (14 October 2019) *Submission to Montenegro's Working Group on Law on Free Access to Information*. Available: www.access-info.org/wp-content/uploads/2019-10-15-Montenegro-Amendments-Submission.pdf (Accessed: 30 November 2019).

94 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 78.

95 Bešić, Miloš (2017) *Patterns of Corruption in Montenegro* (Podgorica: CEDEM). Available: <http://cedem.me/publikacije/istrazivanja/ostala-istrazivanja/send/31-ostala-istrazivanja/1892-obrasci-korupcije-crna-gora-2017-rezultati-istrazivanja> (Accessed: 20 October 2019).

96 *Vijesti*, 31 January 2014. "Damar: Korupcije najviše u zdravstvu i policiji" ["Damar: Most of Corruption in Healthcare and Police"] Available: www.vijesti.me/vijesti/drustvo/damar-korupcije-najvise-u-zdravstvu-i-policiji (Accessed: 20 October 2019).

ranking police officers, and 14% that it serves political parties.⁹⁷ The same survey shows widespread perception of politicisation of policing – 22% of respondents believe that the operative work of the police is completely under the influence of politics, 38% believe it is to a high extent, 25% to a small extent, and only 9% that stated that they believed there was no political influence.⁹⁸

2.6. RECOMMENDATIONS

52. It is imperative that policing is fully depoliticised and unencumbered from political influence.
53. All police oversight mechanisms should cooperate, coordinate and share their findings and recommendations.
54. The Police Directorate's Department for Analytics and the Improvement of Policing and Police Director's Adviser should have a very active role in developing professional standards and other tools necessary for professional oversight of organisational units and individual police officers.
55. Every police officer convicted of committing a criminal act should also be subjected to disciplinary procedures. These two are inseparable and do not constitute double jeopardy.
56. Police managers should be able to deal with minor disciplinary issues of their subordinates and should not refer them to the Board of Police Ethics.
57. Internal police control is a matter of police organisation being capable of controlling itself, so the Government of Montenegro should consider the option of returning the Internal Police Control Department into Police Directorate.
58. The Internal Police Control Department must be free from any political pressure and it must have full operational independence.
59. As a matter of priority, the Internal Police Control Department should be allocated adequate human and technical resources.
60. The Internal Police Control Department must have systemic real-time access to all police operations, evidence, databases and communications. This should not be on a case-to-case basis, nor upon filing official requests, but automatic. All such access should be recorded to prevent potential misuse of accessed data. The Internal Police Control Department should also have automatic access and priority when it comes to the use of forensics and special investigative means.
61. The Criminal Procedure Code should be amended to allow the Internal Police Control Department to request the use of special investigative means independently from the Police Directorate and Ministry of Interior.
62. All posts in the Internal Police Control Department, on top of being advertised through the Government's Human Resources Management Administration, should be advertised within the Police Directorate, which should in turn guarantee that the selected staff can return to it when they finish working on internal control. Recruitment procedures should ensure that

97 Milošević, Milena (2016) *The Citizens' Opinion of the Police Force: The Results of a Public Opinion Survey Conducted in Montenegro* (Podgorica: Institute Alternative), p. 12. Available: <https://pointpulse.net/wp-content/uploads/2016/09/POINTPULSE-2016-MNE-ENG.pdf> (Accessed: 20 October 2019).

98 Ibid. p. 14.

- only those police officers who possess the highest integrity and impeccable career history can become IPCD members. Police Directorate should regulate that serving a certain period of time on internal control duties is a prerequisite for applying for senior jobs in criminal investigation. Serving with the IPCD should be considered prestigious, as well as an attestation of a police officer's integrity. IPCD members should receive substantially higher salaries than their counterparts on similar levels in other parts of Police Directorate.
63. The Internal Police Control Department should regularly consult other institutional mechanisms of police oversight and human rights NGOs, in order to analyse and integrate their findings into its activities.
 64. The Internal Police Control Department should regularly run campaigns promoting its work and implement preventive actions. Its representatives could also take part in consultations with local communities to educate citizens on their rights and on the complaints procedure.
 65. It is imperative that the Internal Police Control Department takes a proactive stance and investigates potential police wrongdoings on its own initiative.
 66. It is of utmost importance for police accountability that the judiciary is fully independent, impartial and functioning in all cases involving individual police officers and the Police Administration as an institution. Deviation from this can only be devastating both for the public trust and the police morale.
 67. The Assembly's Parliamentary Security and Defence Committee should be more active in overseeing the police.
 68. The Assembly's Security and Defence Committee should ensure adequate horizontal co-operation among different oversight mechanisms. It should, at least once a year, hold a session with all authorities in charge of receiving and investigating complaints, as well as reviewing investigations carried out by the law enforcement agencies themselves and making recommendations on disciplinary action or imposing sanctions, so to analyse the effectiveness of complaints system.
 69. Montenegro should continue implementing the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
 70. The staff of the Ombudsman's Office should develop specialisation in overseeing police accountability beyond the issue of conditions of detention.
 71. The State Audit Institution should audit of confidential procurement made by the Police Directorate to determine if the use of this procedure is justified.
 72. Staff of the State Audit Institution should be trained to oversee payments allocated to special operational needs (e.g. controlled delivery), as well as donations coming from non-governmental or other legal entities.
 73. The Police Directorate should be more open to cooperation with civil society – both to its expertise and to constructive criticism.
 74. The Police Directorate should continue to develop its policy of openness and transparency in its relations with the media.
 75. Montenegro should not adopt the proposed changes of legislation on free access to information that would give security sector discretion in deciding what information is of public significance.
 76. Police leadership should tackle widespread perceptions of corruption and links to organised

crime and impunity, by publicising investigation of corruption, measures that citizens can take and undertaking comprehensive risk analysis. The risk analysis should identify situational opportunities for corruption e.g. jobs and police tasks most vulnerable to corruption, as well as organisational processes conducive to corrupt behaviour (e.g. confidential procurement, non-transparent promotion policy) and followed by the adequate preventive and sanctioning measures. A zero-tolerance policy for corruption should be implemented and actively promoted encouraging citizens and police to report even cases of petty bribes.

77. The police capacity to deal with requests for freedom of information should be significantly improved so that there is a greater number of trained professionals in charge of responding to these requests, data collection is automatised and the response time is shortened.
78. An increasingly proactive approach to the exercise of oversight over the police and other parts of the security and criminal justice sectors will be needed. In the past, the PCSD has not overseen the use of special investigative means, the effectiveness of the complaints system, budgetary issues, or police participation in multinational operations.

COMMUNITY POLICING

Community policing is primarily a concept and style of policing, a *modus operandi* in which officers throughout the police service act, rather than just a tool or method of a separate, 'soft' kind of policing, and certainly not a mere tool for public relations, as it is too often and wrongly perceived by political decision makers. Community policing is rooted in the idea that the primary purpose of the police should be to serve a community, by protecting it from crime and disorder and by being the primary authority to address its safety and security concerns. Consequently, it has been developed (and is still being developed) as a way of police work, in which the police cooperate with the community and engage it through actively building a partnership with it. Community policing is usually associated with uniformed police, as they are certainly the most visible and public-facing part of it. Yet, if applied properly, it should not simply involve only a certain number of designated uniformed police officers, but should reflect on the activity of a whole police service.

Together with schoolteachers, municipal workers, social workers, postmen and firefighters, police officers belong to the so-called *street-level bureaucracy*.⁹⁹ They are the visible and approachable face of every state. Citizens see and interact with the state through them and evaluate the state through the quality of the service they deliver. A credible and non-threatening presence of police in the public sphere reassures the citizenry that the state is adequately and responsively taking care of their safety and security needs, while community policing is the best way for police to provide such assurances.

The perception that citizens have of both the police and of the levels of public safety and security is of essential importance for community policing. It is the job of the police service to address those issues and clearly demonstrate it is worthy of public trust as guardian of law and order. It is also not uncommon that citizens' concerns and fears over certain public safety and security issues are much worse than reality.¹⁰⁰ Even in those cases, and as long as the public are concerned about something, the police service should address that worry and thus establish itself as the credible provider of security. Developing and nurturing relations with the community is often the best mechanism police have at their disposal to ensure this.

99 This concept was popularised in the 1980s by American political scientist Michael Lipsky.

100 This phenomenon is called *moral panic* in sociology.

Before going into more detail with regard to the matter of community policing in Montenegro, three key findings of this part of research for this OSCE Report ought to be highlighted, as the analysis will largely revolve around these findings:

1. Community policing has suffered a setback in last few years, despite the good foundations laid down during the previous period.
2. This setback is visible and tangible by the citizens, who seek assurance that the police can provide public safety and security.
3. The current situation can be improved without significant difficulty, but it requires a strong and sustained commitment.

The 2019 re-establishment of Police Directorate as an independent public authority provides a good opportunity to make conceptual and organisational changes which can lead to substantial improvements. This opportunity should not be used only for injecting more momentum into a process that had stalled somewhat, but also to further upgrade community policing, so that it is embedded into and embraced by the whole police service.

3.1. THE DEVELOPMENT OF COMMUNITY POLICING IN MONTENEGRO

Community policing is not an entirely novel in Montenegro, as policing in partnership with the community existed during the period in which Montenegro was a republic within the socialist Yugoslav state. This method of policing, however, fell into disuse during the Yugoslav crisis of the 1990s, when “[t]he police have become isolated from the community they serve. Their mode of policing is reactive and unresponsive and they are mistrusted by the public at large.”¹⁰¹ The reintroduction of community policing started being considered only after the beginning of police reforms in early-2000s, at the initiative of the OSCE, as it was proposed as one of the six priority areas of police reform in the influential Report *Study on Policing in the Federal Republic of Yugoslavia*, written by Richard Monk, the then-Head of the OSCE Strategic Police Matters Unit.

The last OSCE Report on police reform in Montenegro provided a detailed overview and analysis of the genesis of community policing in the country and of the three phases¹⁰² of its development during the first decade of police reform, between 2001 and 2011. The **first phase** (until 2006) was described as a preparatory one. Activities were undertaken both by Montenegrin authorities and by the international community, yet they only had a very limited impact, since community policing was considered a relatively marginal issue at the time, having been “eclipsed by the process of Montenegro gaining independence.”¹⁰³ It was therefore difficult to evaluate the real effects of such activities, but, to certain degree, they did help to underpin later efforts.

The **second phase** (2006-2008) was marked by substantially more coherent preparatory efforts and it came after an easing of political tensions in Montenegro had helped to create a more favourable environment. The OSCE Mission to Montenegro used this opportunity to establish a strategic partnership with the Police Directorate’s Department for Crime Prevention and Community Policing. The OSCE initially supported the Police Directorate through study visits and introductory training at the

101 Monk, Richard (2001) *Study on Policing in the Federal Republic of Yugoslavia* (OSCE: Vienna), p. 5.

102 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), pp. 63–67.

103 Ibid. p. 63.

Police Academy, which helped the latter in opting for a model of community policing for Montenegro. The chosen model was based on designating contact police officers to specific territory, with the aim of building partnerships throughout their designated areas and to work on crime prevention, education of school-aged pupils and problem solving – through regular foot patrols and by acting as an intermediary between citizens and other public authorities.

In accordance with a recommendation made by the OSCE,¹⁰⁴ the Police Directorate, in 2007, designated three pilot sites with different but clearly identifiable safety issues.¹⁰⁵ To support the process, the OSCE commissioned a Podgorica-based think-tank, the Centre for Democracy & Human Rights (CEDEM), to conduct a public perception survey¹⁰⁶ which identified the progress and found that even the very existence of contact officers helped to prevent some forms of crime (a finding which is consistent with the official crime statistics presented in the annual Police Directorate Report for 2007). The latest OSCE Report on police reform nevertheless recorded the opinion of senior police staff that this was only the beginning and that much more should be done to reach a satisfactory level of citizen-police cooperation.¹⁰⁷ The OSCE further supported these developments by organising an introductory community policing training and modern management training to 100 candidates for contact police officers and their supervisors in 2007. Their first task was to make targeted contacts in the community, by producing a list of relevant persons, institutions and premises and to distribute their business cards and promotional material on community policing (provided by the OSCE).¹⁰⁸ This was complemented by an intensive media campaign to promote contact police officers to the wider public and by a number of public events with police, municipal authorities and other relevant organisations. The OSCE-commissioned survey also recorded that citizens from pilot sites had developed a more favourable opinion of the police than the general population of Montenegro.¹⁰⁹ Those who had direct personal contact with the Contact Officers tended to feel more secure, had a more positive attitude towards Police Directorate, as well as greater empathy for police officers. Interviews with 56 community leaders also showed that contacting the police had become easier than before.¹¹⁰

In addition to the recorded¹¹¹ interest of the majority of citizens to support the police in dealing with community-level safety and security issues, it should be stated that the post-Yugoslav reintroduction of community policing received a degree of support from within the police service. It has been recorded by the OSCE that police officers saw it “as an effective way to gather intelligence, construct legitimacy and improve police access to the general public.”¹¹² The same OSCE-commissioned study of perceptions within the police service stated the following:

104 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 114.

105 Podgorica (capital, located in the central region), Nikšić (second largest urban settlement, formerly an industrial centre, in the north), and Ulcinj (tourist spot on the Mediterranean coast with ethnic Albanian majority).

106 Bešić, Miloš (2007) *Evaluation Survey on Community Policing* (Podgorica: CEDEM).

107 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 65.

108 The CEDEM survey showed that almost 40% of citizens in pilot sites had a personal encounter with contact police officers assigned to their areas. Bešić, Miloš (2007) *Evaluation Survey on Community Policing* (Podgorica: CEDEM), pp. 3–4.

109 Ibid, p. 3.

110 Ibid. p. 5.

111 Bešić, Miloš (2011) *Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), p. 16.

112 Ryan, Barry (2010) *Report on Police Perceptions and Police Reform* (Podgorica: OSCE Mission to Montenegro), p. 19.

Community policing was, in addition perceived as a key process of reform and was spoken about as a means of getting more work from less officers. For deputy commanders at all sites, it embodied the objective of uniformed police reform efforts. Embodying the will to move from repressive to consensual oriented policing, community police officers claimed that it represented the future of policing in Montenegro.¹¹³

The **third phase** commenced in 2008 with the country-wide rollout of the successfully tested model of community policing, which also enjoyed quite favourable press coverage, as well as international recognition.¹¹⁴ This phase has been primarily marked by the implementation of the community policing model in the eight Security Centres and all other municipal-level police organisational units throughout Montenegro.¹¹⁵

The Police Directorate established the system of regular monitoring of the work of contact police officers.¹¹⁶ The monitoring team was comprised of representatives of Police Directorate's Crime Prevention and Community Policing Department and of the OSCE Mission. This team carried out regular field visits to observe the performance of contact police officers, but also to hear from them. The monitoring team's field visits included interviews with contact police officers and their supervisors, as well as with a variety of individuals from the communities policed by them (randomly chosen citizens from their neighbourhood, business owners, etc). This way of garnering information, which included receiving feedback both from the police and from the community they serve, was seen as one of the key elements of success with regard to the initiation of community policing in Montenegro. The system of regular monitoring enabled both the Police Directorate and its individual members to gain insights into how citizens perceive their performance and thus to make corrections or adjustments when needed, but it also provided them with an opportunity to generally evaluate the newly introduced manner of policing.

The OSCE also supported this process at a macro level, by assisting with the organisation of annual conferences attended by all contact police officers and their supervisors. Annual conferences were an opportunity for individual participants to share their experiences (both good and bad) and to exchange views, doubts and questions, and for the Police Directorate as an institution to receive insight into the matter and to draw lessons and make conclusions on future directions of the development of community policing throughout the country. The added (and very important) value of such a gathering is in motivating the contact police officers to persist despite challenges that are new to them, by seeing that they are not facing such challenges in isolation. This practice should be renewed and made sustainable, by regularly planning adequate funds for it in the budget of the Prevention and Community Policing Department.

The **fourth phase** proposed by the OSCE¹¹⁷—embedding community policing throughout the Police Directorate—never took place. On the contrary, less and less attention was given to community policing. Moreover, some contact police officers retired from the service while others were moved to other duties. Consequently, this part of the police corps was not adequately renewed and this left a

113 Ibid.

114 In 2008, the Southeast Europe Police Chiefs Association' (SEPCA) Sub-Board on Community Policing awarded the project *Community Policing in Montenegro* as the best one in South Eastern Europe.

115 The innovative introduction of community policing into border policing (described later in this chapter) also took place in the third phase.

116 Which was noted and commended by the OSCE in: Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 66.

117 Ibid. pp. 68—70 and 74.

number of areas without their contact police officers. It is especially regrettable, particularly in light of the tangible and visible improvements that have been achieved through the original introduction of community policing during the last decade. These improvements have been recorded by public perception surveys, but also during a number of interviews conducted during the research for this Report. Even those interviewees, who have otherwise been very critical of the police, responded positively when discussing the topic of community policing. They did, however, express dissatisfaction with the visibly decreased presence of police in the public, considering that it makes the police less responsive to the needs of community and hampers its crime prevention activities, thus contributing to the weakening of general levels of public safety and security. Some of them also highlighted that community policing is particularly needed for preventive work with and the protection of schoolchildren. It needs to be noted that even the highly controversial use of force against the protestors in October 2015 did not seem to tarnish the generally good public opinion about those police officers who were dealing with the community.

Largely positive associations regarding a typical police officer and the majority's trust in the police reveal that public perception of the police has not been hampered by the recent opposition protests, which reflected negatively on the police actions in emergency cases. Although the excessive use of force by the police during the opposition rally in October 2015 received wide media coverage, and public authorities were urged to prosecute officers in charge, the low impact of these developments on general public opinion of the police may be explained by the fact that these incidents are not associated with the regular functioning of the police and the scope of work of police officers who deal directly with the population.¹¹⁸

It is quite indicative that in its 2018 *Decision on Organisation and Functioning of State Administration*, the Government of Montenegro failed to identify community policing among the officially defined roles and tasks of Police Directorate.¹¹⁹ The weakening of attention for, and focus on, community policing did coincide with the 2014 reintegration of Police Directorate into the structures of the Ministry of Interior, but there is no sufficient research evidence to conclude that this was either an immediate or intentional consequence of this structural change. However, it should again be emphasised that it would be very useful to utilise the 2019 re-establishment of the Police Directorate as an independent public authority to make a fresh start by providing adequate attention and committing appropriate resources to making substantial improvements in community policing.

3.2. TOWARDS THE RENEWAL OF COMMUNITY POLICING IN MONTENEGRO

The renewal of community policing should build on good experiences and demonstrated success from the (very recent) past and can be approached through two stages:

1. Renewal of country-wide rollout of community policing through the deployment of contact police officers; and
2. Embedding and mainstreaming community policing throughout the police service.

118 Milošević, Milena (2016) *The Citizens' Opinion of the Police Force: The Results of a Public Opinion Survey Conducted in Montenegro* (Podgorica: Institute Alternative), p. 9.

119 Government's *Decision on Organisation and Functioning of State Administration* of 6 December 2018 (*Službeni list Crne Gore [Official Gazette of Montenegro]* No. 87/2018, Art. 22).

The first stage would in effect be the aforementioned phase three from the previous period, while the second stage would in effect be phase four recommended in the last OSCE Report. The first stage would be dedicated to consolidation and the second one to progress.

The **first stage** should commence with adequate strengthening of the Prevention and Community Policing Department within the Police Directorate's General Jurisdiction Police Sector, which is formally designated to perform the tasks related to:

organising, coordinating and directing community policing; undertaking preventive measures at the level of the [General Jurisdiction Police] Sector; monitoring and studying the matters of crime and misdemeanours; cooperation and coordination with the Sector's Departments, state authorities, local self-government, NGOs, associations, international organisations, and other subjects involved with prevention and community policing; analysing the quality and efficiency of community policing, as well as the implementation of preventive measures at police stations; participation in the implementation of projects and activities aimed at improving prevention and the quality of security at the community level; organising and educating police officers working on prevention and community policing; creating analyses, reports and information on prevention and community policing; control over prevention and community policing; and other tasks within the Department's scope of work.¹²⁰

The Prevention and Community Policing Department is envisaged to have five employees,¹²¹ but three of these positions are currently vacant. Neither two – or indeed five – employees can be expected to efficiently perform all of these tasks. In addition to staffing the department, its members should receive adequate training, continuous exposure to international experiences and best practices in community policing, and budget for support to contact police officers and their supervisors in the field. Finally, the Police Directorate leadership should ensure that the Prevention and Community Policing Department has a clear mandate to perform their officially defined tasks, as well as the appropriate resources to carry these out.

While the Prevention and Community Policing Department fits naturally within the General Jurisdiction Police Sector, a coordinated effort towards the advancement of this area would require that it is enabled to coordinate with and support community policing within other organisational parts of the Police Directorate, particularly the border police.

As already stated in chapter *Institutional Framework for Police Reform*, the adequate management of human resources is of critical importance for police modernisation and reform in Montenegro, while simultaneously being perhaps the single biggest challenge to it. Community policing might be an area in which inadequacies of managing human resources are perhaps the most visible. It is also stated there that one of the main and indeed most striking findings of the research for this Report is the paradox that police constantly suffer from lack of staff, yet Montenegro has a very high ratio of police officers to general population.¹²² The commitment of adequate human resources for community policing should go hand in hand with structural and organisational changes proposed in chapter *Institutional Framework for Police Reform* of this Report, especially regarding the utilisation and redeployment of the surplus of police officers that should be relieved of working on guarding

120 Government of Montenegro (2019) *Pravilnik o unutrašnjoj organizaciji i sistematizaciji Uprave policije [Rulebook on Internal Organisation and Systematisation of the Police Administration]*, Art. 4.6.

121 Ibid. Art. 20.1.3.

122 As explained earlier in Chapter 1. *Institutional Framework for Police Reform*.

the governmental, judicial and police facilities,¹²³ as well as of the manpower that should be freed in the process of consolidating the system of local on-call duty services.¹²⁴ This would help Police Directorate achieve four effects:

4. It will have a much bigger pool of potential candidates for contact police officers;
5. The increase of number of police officers engaged in community policing would lead to increased safety and security;
6. This would provide much greater police presence and visibility in the public, which would lead to a greater trust in police; and
7. Over time, it would lead to saving budget for police training, which would be used for training people who perform policing tasks, rather than duties that do not require qualified police officers.

The renewal of community policing should commence by careful planning of human resources – primarily for additional contact police officers and their supervisors. Their selection should be expanded to include significantly more women and representatives of different ethnic, religious and linguistic groups, with an aim to be as representative of the population as possible. These contact police officers should be adequately trained before deployment into areas in which they will serve. They should also be receiving continuous support and motivation for their work (such as their annual gatherings, which have been proven as very effective). The OSCE—being an international actor with most expertise in community policing—might consider re-engaging in these activities, but only for a limited period and only after a strong and demonstrable commitment from the Police Directorate that it will make this sustainable through the regular allocation of adequate human, organisational and budgetary resources to supporting contact police officers and their supervisors.

The first stage of the renewal of community policing in Montenegro should be particularly focused on two issues:

1. Dealing with the problems of drugs and youth delinquency, as well as the protection of school-children from recruitment into criminal gangs. This requires special attention to schools and therefore each school in Montenegro should have the attention of and access to designated contact police officers.
2. The responsive provision of service to diverse local communities requires special attention of the police to communities with some special conditions. Contact police officers should certainly not be absent from suburbs of Podgorica predominantly inhabited by the Roma (as it is the case at the moment), while those deployed in Albanian-speaking communities should receive adequate language training.

123 See: section 1.2. *Organisation and Structure of the Police Directorate*, subsection 1.2.1. *Organisation of Police Directorate at the Central Level*.

There is absolutely no justification for engaging one in every 10 employees of Police Directorate on performing those tasks.

124 See: section 1.2. *Organisation and Structure of the Police Directorate*, subsection 1.2.2. *Territorial organisation of the Police Directorate*.

The consolidation of the system of local duty services (on-call centres) should be carefully undertaken, so that this process does not undermine the capacities of local branches of the Police Directorate, which would inevitably reflect badly on their capacities for community policing.

The **second stage** of the future development of community policing in Montenegro would mean embedding and mainstreaming it throughout the police service. It should not be seen in, or operate in, isolation, but well-integrated into all aspects of policing. While it comes across as rather natural that community policing principles and methods are introduced into the work traffic police,¹²⁵ this should expand to other branches too, as already suggested by the OSCE in 2012.¹²⁶ Border police have already adopted some elements of community-oriented policing (described later in this chapter: subsection *Community-Oriented Border Policing*). This should primarily be oriented towards those police officers who work on the prevention, investigation and suppression of crime and on criminal intelligence. This is of particular importance for those among them dealing with the problems such as youth delinquency or drugs. This should not be undertaken just through some brief awareness training modules, but should also incorporate the initiation of pilot projects and development of relevant procedures. The implementation of these principles in practice will also require regular monitoring, which would simultaneously be useful for building adequate institutional knowledge. It is also of crucial importance to improve coordination between different police branches, as well as between police and other relevant authorities at the local level, to provide effective response to key safety and security concerns of local communities. Finally, all police officers throughout Police Directorate, of all ranks, should receive in-service orientation on community policing, so that its values are internalised and embedded within the whole service.

The future development of community policing will also require active establishment of coordination and partnership between police and other relevant authorities at the local level, to provide effective and efficient responses to key safety and security concerns of local communities. For this purpose, joint teams, joint risk assessments, and protocols for joint reaction to citizens' demands could be established. An advanced step would be the institutionalisation of local partnership in the form of municipal safety councils, as described later in this chapter (*Institutionalisation of Partnership between the Police and Local Authorities*).

The second stage of the future development of community policing in Montenegro should include the development of a formal policy on community policing. This policy should be further operationalised into the manual for police officers implementing community policing, which would include a unified set of instructions for police officers of different ranks in charge of community policing implementation. The future policy for community policing would also need to contain information for police managers regarding the issues such as criteria for selection of contact police officers, designated contact regions and methods of evaluation.

3.3. SOME ISSUES RELATED TO COMMUNITY POLICING

In addition to the analysis of past and current development in the area of community policing, and proposals for the future, there are some other related matters that ought to be addressed in this Report.

125 It is quite indicative that the current Police Development Strategy does not recognise the need of introducing community policing methods into the work of traffic police, while the previous one did. Government of Montenegro, Ministry of Interior (2015) *Strategija razvoja Uprave policije za period 2016-2020. godine* [Strategy of Development of Police Directorate 2016-2020], p. 17; Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 74.

126 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 74.

3.3.1. Institutionalisation of Partnership between the Police and Local Authorities

Areas of competence of the police service and local self-government are clearly delineated, as well as the levels of government they belong to, but there is no hierarchy between them. They are legally entitled to ignore each other, yet they can cooperate by contributing to the wellbeing of citizens—which should be the ultimate concern of both—by a synergy of their competences and tasks. Their potential cooperation is not legally binding, yet if established, it should depend neither on current circumstances, nor on personal relations between their leadership. It requires a systemic and strategic approach, which can be best implemented through institutionalisation of this partnership through consultative bodies, such as municipal safety councils. Such fora operate in approximately half of the municipalities in neighbouring Serbia and are being supported by the OSCE. They gather municipal authorities, police and other relevant stakeholders from the community (schools, health-care, social care centres, NGOs, etc) to discuss local safety and security concerns and to plan on mitigating them by using multi-agency response when needed. This would provide contact police officers and their supervisors:

with an institutionalised channel through which each officer would be able to communicate with the relevant and competent institutions in the local community and seek a multiagency response when necessary.¹²⁷

It is, however, important that leadership in the work of municipal safety councils rests with the municipalities, while Police Directorate would initiate it through a systemic approach for the whole country. Such cooperation between police and local authorities would be further advanced and made more sustainable if the Police Directorate would initiate a partnership with the Union of Municipalities of Montenegro, which should primarily be a task for the Prevention and Community Policing Department. In this way, a country-wide platform for both capacity development and the exchange of best practices would be developed.

3.3.2. Community-Oriented Border Policing

One very specific area of community policing in which no setbacks were noted during the research for this Report must also be highlighted here. It is the community-oriented border policing, which is a concept originally proposed by the OSCE in its 2006 Report on police reform in Montenegro. It was inspired by the good practice of the border protection units of the Yugoslav People's Army to cultivate good relations with the population of border areas. The idea behind it is that

[b]order police officers deployed in the field (often in mountainous and rural areas) should also aim to develop good relations with the local population. Such community-oriented border policing would increase public confidence in law enforcement and in turn lead to improved gathering of information on illegal activities in border areas.¹²⁸

This proposal was adopted and implemented by the border police, which has been duly recognised and commended by the OSCE in its 2012 Report.¹²⁹ The introduction of this relatively new and rather

127 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 70.

128 Gajić, Novak, Sharon Riggle & Linda Schouten (2006) *Police Reform in Montenegro 2001-2006: Assessment and Recommendations* (Belgrade: OSCE Mission to Serbia and Montenegro), p. 99.

129 Gajić, Novak & Sonja Stojanović (2012) *Police Reform in Montenegro 2006-2011: Assessment and Recommendations* (Podgorica: OSCE Mission to Montenegro), p. 56.

unique mode of policing was especially welcome as a tool for mitigating the consequences of the abolition of rural police stations which took place in 2009 for budgetary reasons. Consequently, many areas of Montenegro were practically left without a permanent daily presence of the police. In such areas that lay close to borders, border police stepped in and effectively provided support to the Security Centres and other territorially-organised police units, which has been instrumental for—at least partial—overcoming of such absence of police in some parts of Montenegro. While border police officers are primarily tasked with border protection duty, they are still first and foremost police officers, authorised to carry out all the competences that belong to their service. Border police designated a certain number of its membership as community contact officers and tasked them with developing and deepening relations with the community. In addition to policing, these officers provide citizens in border areas with other services (such as the provision of first aid, transport to medical treatment or facilitation of access to other administrative services), which partially compensates the generally diminished presence of various public services in these areas of Montenegro. In addition to the provision of services to citizens in border areas—which are often remote, mountainous and rural—the development of relations with such populations benefits the police too. Generally, community-oriented border policing contributes to increasing the levels of public trust in the police service. More specifically, this may contribute to a better quality of criminal intelligence, through an improved gathering of information on smuggling and other unlawful activities in those areas. However, it needs to be acknowledged that the border police units are still not adequately reflective of ethnic and religious composition of the border communities in the areas that they police. Working on this would have been a move towards increasing the trust of minority groups in the police service and in the state itself.

3.3.3. Management of Community Policing

As pointed out in the chapter *Institutional Framework for Police Reform*, the ‘vertical’, hierarchical organisational management of police in Montenegro—with managers supervising a rather small number of staff—has not significantly changed since the previous OSCE Report. Community policing is certainly an area in which a change should occur, towards a ‘flatter’ or more linear structure, with fewer managers supervising more police officers. This should be paired with adequate operational decentralisation in decision-making, which would provide both the contact police officers and their supervisors with operational autonomy to deal with situations such as youth delinquency or domestic violence. A sustainable transfer of authority over issues specifically related to policing in the communities—both to territorial police units and individual police officers—will require the development of a set of policies and operational procedures which would make operational autonomy standard. This should be further operationalised by developing a manual which would assist contact police officers and their supervisors in implementing community policing. In addition, both the community policing and the decentralised decision-making should become an integral and important part of police management training. This would include building skills and aptitude of local police managers to support their greater involvement in the development of community safety strategies and in working with local initiatives concerned with community safety.

3.4. RECOMMENDATIONS

79. The re-establishment of the Police Directorate as an independent public authority should be used as an opportunity for making substantial improvements in the area of community policing. The Police Directorate should substantially reinvest into community policing and relaunch it throughout Montenegro.

80. The next Police Development Strategy should recognise the need to renew community policing. The Action Plan for its implementation should operationalise this into specific activities, indicators and timeframes.
81. The community policing model which relies on contact officers should be renewed and reintroduced, and then maintained and constantly improved, in order to preserve this effective channel for communication with individual citizens in a community. The good practice of biannual reviews of their work should be re-established and continued, as well as the regular exchange of experiences among current contact officers at annual conferences.
82. The Prevention and Community Policing Department should be adequately staffed, and its members should receive training, exposure to international experiences and best practices in community policing, and budget to support contact police officers and their supervisors. The leadership of the Police Directorate should ensure that the Department has a clear mandate to perform its tasks and the resources to do it. This should include a mandate to coordinate and support community policing initiatives delivered by all parts of the Police Directorate, not only by the General Jurisdiction Police Sector in which the Department is situated.
83. The Police Directorate should commence the renewal of community policing by careful planning of human resources – primarily for additional contact police officers and their supervisors. The selection of contact police officers and their supervisors should be expanded so to involve more women and representatives of ethnic groups, with an aim to be as representative of as possible.
84. The renewal of community policing in Montenegro should particularly focus on two key issues: (a) Each school in Montenegro should have the attention of and access to designated contact police officers; and (b) Contact police officers should be actively present in suburbs of Podgorica inhabited by the Roma, while those deployed in Albanian-speaking areas should receive language training.
85. The future development of community policing should be aimed at introduction and embedding it into all aspects of policing, so that it becomes an integral part of the police culture and ethos. Besides traffic and border police, it should primarily expand into structures dealing with crime prevention, investigation and suppression and with criminal intelligence. This should include pilot projects and development of relevant procedures. All police officers, of all ranks, should as a minimum receive in-service orientation on community policing, so that its values are internalised and embedded within the whole service. It is also necessary to improve the coordination between different police branches.
86. Active coordination between the police and other relevant authorities at the local level should be established, to provide effective and efficient response to key safety and security concerns of local communities. For this purpose, joint teams, joint risk assessments, and protocols for joint reaction to citizens' demands could be established. An advanced step would be the institutionalisation of local partnership in the form of municipal safety councils.
87. The Police Directorate should adopt a formal policy on community policing, further operationalised into a set of instructions for police officers of different ranks. The future policy for community policing would also need to contain information for police managers regarding the issues such as criteria for selection of contact police officers, designated contact regions, methods of evaluation, etc.
88. Community policing should be enriched with the creation of consultative spaces wherein interested stakeholders will cooperate in the identification and solution of local safety is-

sues. An introduction and development of an institutionalised partnership between police and local authorities should be considered, possibly in the form of municipal safety councils. A partnership with the Union of Municipalities of Montenegro should be sought, aimed at developing a country-wide platform for capacity development and exchange of experiences and best practice.

89. The Border Police Sector should continue implementing and developing its community-oriented approach.
90. Police organisation and management should ensure sustainable implementation of community policing throughout Montenegro, which should include the de-concentration of decision-making, as well as organisational changes oriented towards a structure in which fewer managers supervise a greater number of police officers. Community policing and decentralised decision making should be a part of police management training, which would include building skills and aptitude of local police managers to support their greater involvement in the development of community safety strategies and in working with local initiatives concerned with community safety.

LIST OF INTERVIEWEES¹³⁰

POLICE DIRECTORATE

1. Veselin Veljović – Police Director
2. Nikola Janjušević – Assistant Police Director (Head of the General Jurisdiction Police Sector)
3. Zoran Lazović – Assistant Police Director (Head of the Sector for the Fight against Organised Crime and Corruption)
4. Drago Spičanović – Assistant Police Director (in charge of organisational units for support)
5. Radovan Ljumović – Police Director’s Adviser

General Jurisdiction Police Sector (uniformed police)

6. Mladen Marković – Head of the Public Law and Order Department
7. Dragan Borović – Head of the Road Traffic Safety Department
8. Dragan Klikovac – Head of the Operation and Communication Centre

Criminal Investigations Sector

9. Nikola Rogošić – Head of the Special Investigative Methods Department

International Cooperation and Public Relations Department

10. Selma Mehović – Head of the Department

130 Interviewees’ positions were current at the time of the interviews.

11. Marija Žugić – Police Directorate Spokeswoman

12. Veselin Zindović – Public Relations Analyst

Department for Analytics and Improvement of Policing

13. Zoran Brđanin – Head of the Department

Information Security and Data Processing Centre

14. Jelena Sekulić-Drašković – Head of the Centre

Service for Financial, General and Support Affairs

15. Darka Šaban – Head of the Service

Service for Human Resources, Personnel and Legal Affairs

16. Biljana Dulović – Head of the Service

Department for Telecommunications and Electronic Technology

17. Predrag Zlatičanin – Senior Police Adviser

Security Centre Bar

18. Veselin Magovčević – Head of the Security Centre

19. Predrag Bušković – Commander of the Uniformed Police Station

20. Ilija Vasović – Commander of the Criminal Investigation Police Station

21. Željko Spasojević – Head of the General Crime Division

22. Žarko Radulović – Commander of the Field Police Unit in Virpazar

Security Centre Bijelo Polje

23. Miloš Bulatović – Head of the Security Centre

24. Danko Gogić – Commander of the Uniformed Police Station

25. Mustafa Međedović – Commander of the Criminal Investigation Police Station

Security Centre Podgorica

26. Milovan Pavićević – Head of the Security Centre
27. Darko Knežević – Head of the Uniformed Police Department
28. Srđan Korać – Head of the Criminal Investigation Department

MINISTRY OF INTERIOR

29. Dragan Pejanović – State Secretary
30. Tanja Ostojić – Director General of the International Cooperation & European Integration Directorate
31. Safet Korać – Director General of the Strategic Development Directorate
32. Danilo Ćupić – Director General of the Oversight Directorate
33. Milan Adžić – Head of the Internal Police Control Department

INDEPENDENT AUTHORITIES

Ombudsman's Office

34. Danijela Brajković – Adviser at the National Mechanism for the Prevention of Torture
35. Mensur Bošnjak – Adviser at the National Mechanism for the Prevention of Torture

Council for Citizens Control of Police Work

36. Saša Zeković – Chairman

OTHER CENTRAL AUTHORITIES

National Security Council

37. Slavko Stojanović – Secretary of the National Security Council; previously Police Director (2013–2018)

Police Academy

38. Boban Šaranović – Principal
39. Mihailo Marić – International Cooperation Adviser

Customs Administration

- 40. Lidija Mijović – Assistant Director (Oversight and Control)
- 41. Azra Bećović – Head of the International Cooperation and European Integrations Department
- 42. Radivoje Pejović – Head of the Podgorica Field Unit

Agency for National Security¹³¹

- 43. Head of the International Cooperation Department
- 44. Head of the Analytics and Documentation Department
- 45. Head of the Anti-Terrorism Department

LOCAL SELF-GOVERNMENT

Municipality of Bar

- 46. Dušan Raičević – Mayor
- 47. Veselin Gvozdenović – Secretary of the Secretariat for Communal and Housing Affairs and Environmental Protection
- 48. Dejan Škorović – Head of the Communal Police

Municipality of Bijelo Polje

- 49. Almasa Rizvanović – Coordinator of the Gender Equality Office
- 50. Saida Čikić – Secretary of the Secretariat for Local Self-Government
- 51. Muzafer Badžić – Secretary of the Secretariat for Inspections
- 52. Dušan Drašković – Head of the Communal Police

City of Podgorica

- 53. Slađana Vujačić – Deputy Mayor
- 54. Ivona Međedović – Head of the Public Relations Office

CIVIL SOCIETY

- 55. Dina Bajramspahić – Public Policy Researcher at the Institute Alternative
- 56. Vanja Čalović Marković – Executive Director of the Network for Affirmation of the Non-Governmental Sector (MANS)

131 Interviewees from the Agency for National Security have requested to be listed by title only.

57. Boris Raonić – President of the Civic Alliance; civil society representative on the Police Ethics Board
58. Ljiljana Raičević – Executive Director of the Women’s Safe House
59. Milena Bešić – Director of the Centre for Democracy and Human Rights (CEDEM)
60. Sonja Stojanović Gajić – Director of the Belgrade Centre for Security Policy

MEDIA

61. Dražen Živković – *Borba.me* news portal (Editor-in-Chief)
62. Jelena Jovanović – *Vijesti* daily newspaper
63. Kaćuša Krsmanović – *Pobjeda* daily newspaper
64. Marija Žižić – *Pobjeda* daily newspaper

INTERNATIONAL ORGANISATIONS

OSCE Mission to Montenegro

65. Ambassador Maryse Daviet – Head of Mission
66. Siv Katrine Leirtrø – Deputy Head of Mission
67. John Corrigan – Head of the Security Co-operation and Governance Programme
68. Dragica Vučinić – National Security Cooperation Officer
69. Daniel Blank – Media Programme Manager
70. Marina Živaljević – National Media Programme Officer
71. Lia Magnaguagno – Democratisation Programme Manager
72. Ana Kruščić – Democratisation Programme Assistant

Council of Europe Programme Office in Podgorica

73. Angela Longo – Head of Operations

US State Department International Criminal Investigative Training Assistance Program (ICITAP)

74. Slobodan Kotlica – Programme Coordinator
75. Kosta Radonjić – Programme Associate

Centre for Integrity in the Defence Sector (CIDS)

76. Odd Berner Malme – Expert on Police Affairs
77. Rajko Radević – Country Project Manager
78. Jan Kruszewski – Consultant

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