

POLICE REFORM IN MONTENEGRO

2006-2011

Assessment and Recommendations

OSCE

Organization for Security and
Co-operation in Europe
Mission to Montenegro



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EXECUTIVE SUMMARY

Police reform is one of the most important reform processes in Montenegro. Reform of the entire security sector is necessary to ensure sustainable post-conflict reconstruction in other areas of society. A democratic police service is an essential prerequisite for establishing democratic structures. Overall safety and security are vital for economic, societal, cultural and political development. The establishment of an effective criminal justice sector—which includes law enforcement, prosecution, judiciary and penal system—is a natural and vital component of effective police reform. The purpose of this Report is to provide an assessment of the main developments since 2006 until 2011 in the areas which are vital for police reform in Montenegro.

In October 2005, following the adoption of the Law on Police (2005), police were taken out of the Ministry of Interior (Mol) to become a separate authority. The former Mol's Public Security Sector became the Police Administration. This step was publically supported by the OSCE as a move towards the depoliticisation of police. The transition took several years and the process of separation had been mostly finalised by 2007. The first recommendation¹ of the previous OSCE report on police reform in Montenegro has been partly fulfilled in the course of this process.

As of September 2010², the Police Administration numbers 5,313 employees of whom 4,684 are police officers. Among the employees, 4,292 are fully employed (under the so-called 'unlimited' term of employment), while 1,021 are employed for a limited amount of time. Most of these are working on annually renewable contracts, while 26 are interns. The official table of posts (*Act on Systematisation*) envisaged 5,189 working places throughout the Police Administration.

Nowdays, there are strong functional reasons for reconsidering the Official Table of Posts, as the degrees of workload vary significantly among various organisational units and individual employees in the Police. In addition, there are also huge budgetary pressures for downsizing the Police Administration – which is itself the third biggest individual employer in Montenegro, (preceded by the education and healthcare state sectors). With the global economic crisis growing in intensity, it is reasonable to expect that these pressures will grow proportionately.

Functionally, Police Administration is at the central level and is composed of five sectors, two departments, two centres and two special units. The sectors are: (1) General Purpose Police Sector (i.e. uniformed police), (2) Criminal Investigation Sector, (3) Border Police Sector, (4) Sector for the Protection of Persons and Facilities and (5) Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems³. Each of the five sectors is headed by an Assistant Police Director. Two departments are: (6) Department for International Police Cooperation and European Integrations and (7) Department for Planning, Development and Analysis. The Police Administration's two centres are the (8) Operations and Communication Centre and the (9) Forensic Centre. Finally, the two special units are (10) Special Antiterrorist Unit and (11) Special Police Unit. The twelfth organisational unit at the Police Administration's central level is the Police Director's Cabinet. The central-level departments and the Forensic Centre, as well as the departments within sectors, are further subdivided into groups, while special units are further subdivided into teams. The Operations and Communication Centre is subdivided into 21 municipal-level Duty Operations Services.

In the area of police education the main progress in the period of 2006-2011 has been the transformation of Police Academy into a fully fledged institution of basic professional police training. Its capability has been recognised by its inclusion in the Association of European Police Colleges (AEPC) in 2009 and

1 Recommendation 1: "The process of deciding which organisational units will remain within the Mol and which will be assigned to the Police Administration needs to be finalised as soon as possible. However, the new structure needs to be justified and as a result of a well-planned process. The new structure must ensure a clear distinction between the Mol, responsible for the development of policy objectives, and the Police Administration, responsible for implementing operational policing, developed upon through strategies and action plans.", Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, pp 64.

2 Data presented at the regional conference "Challenges in Human Resources Management during Police Reform", Skopje, 20-21 September 2010.

3 The former three represent the traditional policing branches, while the latter two have been formed more recently. The Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems has been formed after Police Administration became an authority separate from the Mol and performs logistic and administrative tasks.

reinforced by the partnership it has established with the University of Montenegro's Faculty of Law, which allows for its graduates to continue education in this Faculty in order to receive BA in Criminology. While it can boast excellent teaching, lodging and training facilities, its faculty numbers do not fully cover the training needs of the Police Administration. The faculty does not have enough people who are familiar with adult teaching principles, professional police experience and foreign language skills.

The main obstacles to it realising its full potential is to be found in the absence of a coherent policy for human resources management in the Police Administration. This absence effectively impedes career development of its police staff and prevents the accurate design of training needs for specialised, advanced and management training. It needs to be observed that the sustainability of the Police Academy is questionable, bearing in mind a decreased demand for graduates of basic police training.

The Police Academy is clearly not able to accommodate all training needs. This is due to limited expertise in some fields. This work is supplemented and assisted by external lecturers and international and regional co-operation. The Police Academy, from its inception, has been heavily supported by the international community, especially the OSCE, ICITAP, the Swedish National Police Board and the European Union.

It is widely acknowledged—both in Montenegro and internationally—that organised crime remains one of the biggest challenges of the country's transition from communism to liberal democracy. The fight against organised crime should become the primary area in which the police depoliticisation is to be demonstrated and no one's impunity cannot be tolerated. The progress of Montenegro towards EU integrations will be measured by her success in the fight against organised crime and corruption – with a number of high-profile convictions as a key indicator of such success. With that aim, once the EU accession negotiations begin, the first negotiation chapters to be opened are Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom and Security), so that a longer track record could be followed before admitting into full membership. Montenegro will be the first ever EU candidate country in which these two chapters will be the opening ones. The fight against serious and organised crime must not, however, be done at expense of neglecting the fight against other forms of crime.

The fight against Montenegrin organised crime cannot be fought within and by Montenegro alone and will require an increase of regional police cooperation – primarily through the full implementation of mechanisms stipulated in the Police Cooperation Convention in South-East Europe (Vienna Convention), as well as through adequate regulation and resource allocation to the recently established ILECU, which will require adequate resources and standard operating procedures for international police cooperation within the Police Administration. The recent signing of the Operational Agreement with Europol will require the adoption of secondary legislation regulation about the protection of private data handled by police. Montenegro should send police liaison officers to Europol and key partner countries.

Significant legislative changes were implemented in 2010 and 2011 with the new Criminal Procedure Code which introduced the prosecution-led investigation. It enabled the improvement of inter-agency cooperation through the Joint Investigative Team under the leadership of the Special Prosecutor for Organised Crime, Corruption, Terrorism and War Crimes, also including Police Administration, Customs Administration, Tax Administration and the Administration for the Prevention of Money Laundering and Terrorist Financing. Prioritisation of the fight against organised and serious crime needs to be implemented through increased operational co-operation between these authorities is an imperative and should be followed by adequate allocation of resources. It needs to be regular, regulated and binding. Appropriate degree of autonomy should be given to police investigators assigned to work with the Joint Investigative Team, while maintaining a double chain of reporting to both the Special Prosecutor and Police Director. Police capacities for the fight against serious and organised crime need to be consolidated and centralised into an adequately manned and equipped strategic-level, specialised, intelligence-driven and highly mobile department capable of covering all areas of serious and organised crime, while individual investigators and investigating teams should maintain flexibility and decision-making powers.

Legislative introduction of shifting the burden of proof to suspects in cases of identifying the origin of assets and the seizure of criminal assets should be followed by increasing the capacities and activities

in the area of financial investigation. A larger number of properly trained and equipped investigators needs to be allocated to these tasks and this should include a bigger use of computer forensics.

Regarding the introduction and development of new, modern crime fighting methods and techniques six especially important areas are: *criminal intelligence, special investigative means, undercover investigation, informants handling, witness protection* and *forensics*. The full launch of the police criminal intelligence system is due in 2012 and it is crucial that it works across the Police Administration. Not only the Criminal Investigation Sector, but all operational policing components, should be the system's contributors and beneficiaries. The system should have different levels of access for users and contributors. All police officers should receive adequate training on criminal intelligence for their levels of access to the system. Police also need to develop regular analysing of strategic-level threats posed by serious and organised crime, including a regularly updated mapping of crime activities and threats, which should include identifying key persons and groups, as well as related individuals and companies. The activities against organised crime should be guided by these analyses.

The use of special investigative means and techniques in the fight against organised crime will require significant improvements in legislation, equipment, training and oversight mechanisms. While using special investigative means and criminal intelligence, police must uphold the law and highest human rights, ethical and professional standards. Undercover investigation is very important for the fight against organised crime, but the use of covert investigators is very difficult in a small society, which will require cooperation with neighbouring countries belonging to the same linguistic area. Undercover investigation is also impeded by inadequate legislation and regulation. Informants handling is currently very poor and efforts will be needed in improving this area. Witness protection is also difficult in a small society and the improvement will require stronger regional police cooperation. Forensics was an area which saw the biggest improvement since 2006 and Montenegro today has sophisticated and well-equipped forensic capacities. However, the high cost of that in a small country require that the Forensic Laboratory should become Montenegro's centre for excellence in this area, which would be open to other authorities as well as for commercial use. ICT forensics is an area which will require further development.

The previous OSCE five-year police reform report assessed border policing as the fastest and most comprehensively developing area of police reform in Montenegro. This assessment remains a valid one. Border policing displays the highest levels of visible progress. Border policing gained its prominent position in police reform for two reasons: it served to affirm Montenegro's independence and it is one of the key areas in Montenegro's political, economic and security relations with the European Union.

Issues related to border security in general and border policing in particular (such as migration, asylum, visa policy, fight against drugs, trafficking in human beings and customs cooperation) are being regularly monitored by the European Commission and annually reported within the as parts of chapter on *Justice, Freedom and Security* (Chapter 24) of the Commission's Progress Report on Montenegro. The achieved progress should, however, not mean that Montenegro should become complacent, as border security requires constant investment in upgrading the human, organizational and technical capacities. In the following section, key achievements will be briefly presented, as well as key challenges regarding adoption of modern border policing methods and building capacity for integration into the EU Schengen Area.

Research indicates that police deployed at border crossing points need more training in modern policing skills, such as intelligence-led policing and modern border policing methods (e.g. profiling). The possibility of discovering and handling the victims of human trafficking requires training of all border police officers in anti-trafficking and human rights.

Without doubt, the requirements of harmonizing with EU and Schengen requirements have been a driving force in the growth of the Montenegrin border security system. However, it is anticipated that once Montenegro enters the Schengen Agreement (and is surrounded by other Schengen members) this growth will have to be checked. In fact, Montenegro will have to drastically reduce the number of border police officers and consolidate its border infrastructure. This is already happening to other new members of the Schengen area (e.g. Slovenia). Now is the time to start planning for the consequences of this stage in the development of border policing.

Despite significant investment in border infrastructure, the EC Analytical Report⁴ notes that further work is needed in modernization and upgrading infrastructure both at the border crossings and for surveillance purposes. The major weakness of current border infrastructure is the fact that the border with Kosovo is not demarcated and poses a challenge in terms of crime activities.

It needs to be noted and commended that a new and rather unique mode of policing has been introduced in Montenegro in 2010: community-oriented border policing.

Noteworthy improvements have been recorded with the level of intra-agency cooperation since the publication of the previous OSCE report. One of the most important examples of such cooperation is discernible in the manner by which border police rely on the Police Administration's well-developed information and telecommunication networks. This has ensured that every border crossing point has an online connection with Interpol databases of searched individuals and stolen vehicles and clearly represents one of the most important achievements of border police reform in Montenegro.

The main development since the previous OSCE report has been the creation of the structure facilitating interagency cooperation requirements of IBM in Montenegro.

One of the main shortcomings in the area of border protection noted by the European Commission is the weakness in protection of the 93 km-long open sea border in the Adriatic⁵. One of the main reasons for that, along with insufficient technical capabilities, is rather poor interagency cooperation. Far too many authorities have competences on sea and coast⁶, which leads to an administrative mess resulting in weak border protection in this area. A proposal by the Ministry of Defense to create a coastguard unit (in addition to the existing navy) threatens to further complicate maritime security structures. Procedures and competences in this area need to be streamlined by the Government and this is why the inter-agency working group has been set-up to resolve this issue.

Cross-border cooperation has developed rapidly since the independence of Montenegro, but still needs to be further strengthened. Montenegro, being a new state, possesses relatively new borders with all its neighbors besides Albania. In order to strengthen and develop these borderlines Montenegro's Border Police Sector has established cooperation with neighbouring border services and has signed agreements⁷ with them and this should be further enhanced by more field-level co-operation, thus operationalising high-level declarations about co-operation.

As a candidate for EU membership, Montenegro should prepare to integrate into ever rapidly developing EU border management system. This can be done by harmonising relevant secondary legislation and policies with the Schengen *Acquis*, in particular, the Schengen Code of Boundaries. It should also adopt a national strategy for its accession to the Schengen Area.

Community Policing is arguably the area of greatest importance for police-public relations as it presents the public face of a transformed relationship between police and the public. It is also the area where international assistance could achieve the greatest cost-effectiveness as the financial resources demanded for change are modest in comparison to investments required to reform other branches (e.g. border policing, organised crime).

This report recommends that the police organisational structure and management practices should be adopted to facilitate the sustainable implementation of community policing throughout Montenegro.

The key priorities over next five years should be mainstreaming community policing throughout the police service and attracting the participation of non-police actors in community safety initiatives. The OSCE should provide support to this process by ensuring the full transfer of know-how to local authorities including the development of all levels of training curricula and capacity, internal procedures and

4 The Analytical Report, p. 103.

5 Commission Staff Working Document Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council Commission opinion on Montenegro's Application for membership of the EU (COM (2010) 670), p. 103.

6 On top of four authorities present on border crossings, sea border is also monitored by the Navy, Marine Safety Administration and Port Authorities.

7 In the moment of writing this report, Montenegro had signed agreements on cooperation with border police of Albania and protocols for joint patrols with Albania, Bosnia and Herzegovina, Croatia and Serbia,

the establishment of partnerships with the local government association (The Union of Municipalities of Montenegro).

The primary concern with the implementation of community policing in Montenegro is that of inadequate coverage and representation. There are, at the time of writing, 146 Contact Officers operating in 146 locations. Initially each officer covered 1 km² or less, if there were 'interesting premises for community'

The research found that contact police officers sometimes face inadequate support from colleagues and supervisors for their work, which results in fluctuations in the quantity and quality of their performance in different stations. One of the obstacles recorded at interview is an inadequate understanding of the contact officer's work

The OSCE should handover training to Montenegrin authorities by supporting the development of curricula and training capacity for community policing.

The institutional system for police oversight has been significantly improved since the last OSCE report. Improvements are evident in regards to a more lawful use of coercion, enhanced detention conditions and regular disciplinary sanctioning of police officers for misconduct. However, the police accountability is still the weakest aspect of Montenegro's police reform process. Major changes are required to make internal affairs fully functional, to improve consistency and coordination among oversight mechanisms and to further depoliticise investigations into police misconduct and allegations of corruption, particularly of senior police managers.

The institutional apparatus for police accountability in Montenegro consists both of bodies specialised for police oversight (e.g. Council for Civilian Control of Police Work, Internal Control Department, Police Ethics Board) and parliamentary and independent statutory institutions in charge of horizontal oversight across the entire security sector (parliamentary Security and Defence Committee) or public administration (e.g. Ombudsperson in 2003, Private Data Protection Agency in 2009 or State Audit Institution in 2004). The major weakness of this accountability system is a lack of adequate horizontal coordination among different oversight mechanisms.

Despite the introduction of new oversight mechanisms, perceptions held by citizens of police accountability has yet to improve. 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.

There is a need for continuous and innovative promotion and education campaigns about the ways, safeguards and effects of pressing complaints against police officers. The Mol should ensure that analyses, recommendations and other relevant ICD documents are publically available and published on its website, not just once a year as a part of the Mol annual report.

It is also recommendable that the parliamentary Committee for Security and Defence annually coordinates a meeting of all authorities in charge of receiving and investigating complaints. It should also be responsible for reviewing investigations carried out by the law enforcement agencies themselves and making recommendations on disciplinary action or imposing sanctions in order to monitor the effectiveness of the complaints system. An independent, impartial and functioning judiciary is key for ensuring the legal accountability of police, by ruling on cases brought against police officers, as well as by hearing appeals against decisions of police oversight bodies.

Police oversight mechanisms have to intensify cooperation with human rights NGOs, as well as take part in meetings with local communities once these are established within community policing.

There is a need for continuous and innovative promotion and education campaigns about the ways, safeguards and effects of pressing complaints against the police officers.

The perception of ICD's staff integrity could be improved both within the police and among civil society by marketing internally the job in this unit as an advantage for promotion to the top police management positions. The external image could be promoted by careful vetting of candidates so to ensure the personal integrity of selected staff.

ABBREVIATIONS

ANB	National Security Agency (<i>Agencija za nacionalnu bezbjednost</i>)
ATDC	OSCE Advanced Training Development Course (part of TDP)
BCP	border crossing point
CDC	OSCE Curriculum Development Course (part of TDP)
CEDEM	Centre for Democracy and Human Rights
CID	Criminal Investigation Directorate or Criminal Investigation Department
CoE	Council of Europe
COP	community-oriented policing
CSO	civil society organisation
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DOC	Duty Operations Centre
DOS	Duty Operations Service
DPS	Democratic Party of Socialists (<i>Demokratska partija socijalista</i>)
DUA	Democratic Union of Albanians
EU	European Union
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FRY	Federal Republic of Yugoslavia
FTO	field training officer
IBM	Integrated Border Management
ICD	Internal Control Department
ICITAP	International Criminal Investigative Training Assistance Program (US)
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
IDPs	Internally Displaced Persons
ILECU	International Law Enforcement Contact Unit
ILP	intelligence-led policing
IMF	International Monetary Fund
IOM	International Organisation for Migration
LCM	League of Communists of Montenegro

LoP	Law on Police
MANS	Network for the Affirmation of the NGO Sector
MoI	Ministry of Interior
MoIPA	Ministry of Interior and Public Administration
MP	Member of Parliament
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organisation
OMIM	OSCE Mission to Montenegro
OSCE	Organisation for Security and Cooperation in Europe
PCSD	Parliamentary Committee for Security and Defence
PJP	Special Police Unit (<i>Posebna jedinica policije</i>)
PZP	Movement for Changes (<i>Pokret za promjene</i>)
SAI	State Audit Institution
SAJ	Special Antiterrorist Unit (<i>Specijalna antiteroristička jedinica</i>).
SEPCA	Southeast Europe Police Chiefs Association
SFRY	Socialist Federal Republic of Yugoslavia
SDP	Social Democratic Party (<i>Socijaldemokratska partija</i>)
SNP	Socialist People's Party (<i>Socijalistička narodna partija</i>)
SWAT	special weapons and tactics
TDC	OSCE Trainer Development Course (part of TDP)
TDP	OSCE Trainer Development Programme
TEC	OSCE Training Evaluation Course (part of TDP)
TNA	training needs assessment
UN	United Nations
UNDP	United Nations Development Programme
USA	United States of America

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The authors take this opportunity to thank the many people who supported them in writing the OSCE report *Police Reform in Montenegro 2006-2011*.

The report would not have been possible without the support of the Ministry of Interior and Police Administration. We received strong encouragement and assistance from these two institutions to produce an honest and constructive assessment of the status of police reform in Montenegro. Both the Minister of Interior Mr Ivan Brajović and the former Police Director Mr Veselin Veljović lent unwavering support to this assessment report. Of special mention are Ms Maja Raspopović of the Ministry of Interior and Ms Jelena Matović of the Police Administration who arranged interviews in these two institutions and provided constant support.

This assessment is to a great extent based on interviews with many individuals involved in or related to police reform in Montenegro. Most of them came from Police Administration and Minister of Interior, but a great number of interviewees came from other central and local authorities, NGOs, media, academia and international institutions. With great pleasure we thank all those who took time to provide us with valuable insight, information and feedback.

Our endeavor received critical support and guidance of the leadership of the OSCE Mission to Montenegro – Head of Mission Ambassador Šarūnas Adomavičius and Deputy Head of Mission Dr Waldemar Figaj. The writing of this report was initiated by Mr Valeri Petrov and Mrs Dragica Vučinić of the Mission's Police Affairs Section. Their support, as well as information and insight they provided, were vital to this undertaking. Great support during the research was also received from other members of the Police Affairs Section – Ms Sanela Đozgić, Mr Patrick McNulty, Mr Thord Modin and Mr Hakan Altunay. We also thank them all for invaluable feedback on draft report. A number of other members of the OSCE Mission were also called upon to provide additional information and explanations, for which we are very grateful.

Two studies commissioned by the OSCE Mission were key sources of information: *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010* conducted by Dr Barry J. Ryan of the 'Keele University, UK' and *Attitudes of Citizens of Montenegro about the Police and Security Problems* conducted by the Centre for Democracy and Human Rights (CEDEM), under the leadership of Dr Miloš Bešić of the University of Montenegro. Dr Bešić was very open to the authors' needs when he designed his public perception survey. Dr Ryan also minutely read the report and provided crucial comments.

Only the authors are 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 to the completion of this study.

Sonja Stojanović

Novak Gajić

Belgrade, January 2012

1. INSTITUTIONAL FRAMEWORK FOR POLICE REFORM

Police reform is one of the most important reform processes in Montenegro. A democratic police service is an essential prerequisite for establishing democratic structures. Overall safety and security are vital for economic, societal, cultural and political development. The establishment of an effective criminal justice sector—which includes law enforcement, prosecution, judiciary and penal system—is a ultimate goal of police reform. The purpose of this chapter is to provide an assessment of the main developments since 2006 in areas which do not necessarily constitute the core of policing, but are still vital for police reform in Montenegro. It is therefore divided into the following five sections: Police Administration's role within Montenegro's public administration, the organization and structure of Police Administration, human resources management, police education and training, and financial management.

1.1 Police Administration's Role within Montenegro's Public Administration

In October 2005, following the adoption of the Law on Police (2005), police were taken out of the Ministry of Interior (Mol) to become a separate authority. The former Mol's Public Security Sector became the Police Administration. This meant that it was no longer under the direction of an Assistant Minister of Interior (a politician), but by a Police Director appointed by the Government upon proposal of Minister of Interior. Henceforth police was only subject to the Ministry's executive oversight. Such executive oversight is *inter alia* reflected in the manner that the Government appoints the Police Director, but can vote only for a candidate proposed by the Minister of Interior. The State Security Sector has also been removed from the Mol and renamed the National Security Agency, Montenegro's only intelligence service, which is directly under the Government's supervision¹.

This step, supported by the OSCE, as a move towards depolitization of the police, took several years and the process of separation had been mostly finalized by 2007. The first recommendation² of the previous OSCE report on police reform in Montenegro has been partly fulfilled in the course of this process.

The Police Director's five-year mandate expired in October 2010. The Minister of Interior had not proposed to the Government either the renewal of mandate or a replacement of the incumbent due to activities of reforms of the public administration which required previous drafting of the Legal-Institutional Analysis document, preparation of the Law on Public Administration and accompanying Decree on the Organization and Operating of Public Administration. Concurrently, and in accordance with the said regulations it required also the adoption of the Law on Internal Affairs which has been developed so as to support the reforms planned.

The Police Administration was defined as a governmental agency within the Ministry of Interior by the Law on Amendments and Changes of the Law on State Administration (adopted by the Parliament in July 2011) as well as in the Decree on the Organization and Operating of the State Administration (adopted 29 December 2011). Subsequently, the Government appointed the Acting Director of Police Administration.

1 During this process, Recommendation 2 of the previous OSCE police report has been largely implemented: "The physical separation of the Police Administration and Agency for National Security throughout Montenegro needs to be completed as a matter of urgency." Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, pp. 64 and 158.

2 Recommendation 1: "The process of deciding which organizational units will remain within the Mol and which will be assigned to the Police Administration needs to be finalized as soon as possible. However, the new structure needs to be justified and as a result of a well-planned process. The new structure must ensure a clear distinction between the Mol, responsible for the development of policy objectives, and the Police Administration, responsible for implementing operational policing, developed upon through strategies and action plans." Ibid.

Box 1: Place of police within public administration systems of various OSCE countries

There are various places of police services within public administration systems of the 56 OSCE member states. Some examples are briefly described in this box. All **post-Yugoslav countries** but Montenegro kept their national police agencies within the ministries of interior. In **Scandinavian countries**, similarly to Montenegro, national law enforcement agencies are independent authorities under the executive oversight of the ministries of justice. Except for several national law enforcement agencies specialized for certain tasks that require specific expertise and resources (e.g. National Crime Agency, UK Border Agency or British Transport Police) reporting to the Home Office, most of policing in the **United Kingdom** is vested to territorial police forces operating under three jurisdictions: England and Wales, Scotland and Northern Ireland. Most of policing is performed at the county level (second tier of local government) by 43 services in England and Wales and eight in Scotland. In England and Wales they are governed by police authorities composed of local governments, independent members, and magistrates. Scottish police authorities are governed by local authorities (either by a single county or by a county in co-operation with neighbouring municipalities). Policing in Northern Ireland is performed by the Police Service of Northern Ireland, which is supervised by the Northern Ireland Policing Board, a non-departmental public authority composed of members of the Northern Ireland assembly and community representatives appointed by the Secretary of State for Northern Ireland (a governmental minister in the UK). Law enforcement in **Germany** is divided between the Federal Republic and its constituting States. There are two federal police services: Federal Border Guard (*Bundesgrenzschutz*) and Federal Criminal Investigation Office (*Bundeskriminalamt*), while all 16 members of the federation have their police services (*Landespolizei*). In all cases they are reporting to the relevant ministries of interior. Policing in **France** is conducted at national and local levels. Two national services with the same mandate but different jurisdictions—National Police (urban policing) and National Gendarmerie (rural policing)—operate under the authority of the Ministry of Interior. Municipal police are under direct supervision of mayors, who are simultaneously chiefs of police. The Police Force of **Malta** is under the jurisdiction of the Ministry of Justice and Home Affairs. Law enforcement in the **United States of America** is very complex and conducted at different levels. Most of it at the federal level is under the supervision of US Department of Justice or the US Department of Homeland Security. All states but Hawaii have their police, usually supervised by a Department of Public Safety. County and municipal police services fall under the supervision of these two tiers of local government. Sheriffs (also county level) are usually directly elected. There are also many specific police jurisdictions for individual airports, university campuses, railroads, etc. In **Japan**—one of the six OSCE Asian Partners for Co-operation—police services in Prefectures are supervised by an independent National Police Agency, while MoI performs the tasks related to public administration.

The co-operation of Police Administration with other authorities varies from case to case. A positive development in the case of the Joint Investigative Team has been explained in this Report's chapter *The Fight against Serious and Organised Crime*. On the regional and local level, a number of serious system deficiencies in interagency co-operation have been identified during the research for this Report. One of the most striking examples noted in several municipalities refers to the lack of co-ordination between municipal authorities, police and field offices of other central authorities in protecting the minors from gambling. It is illegal for minors to enter betting venues, but it is a common practice throughout Montenegro³. Various authorities have different degrees of competences over such venues, but they seldom cooperate in tackling this problem. A stronger and more active interagency co-operation of various central and local authorities is needed in dealing with local problems.

³ Regional Police Unit Herceg Novi is a notable example of proactive interagency approach in protecting minors from illegal gambling.

1.2 Organization and Structure of the Police Administration

Territorially, the Police Administration is divided into eight Regional Police Units,⁴ each with responsibility over general purpose (i.e. uniformed) policing and criminal investigation within its territorial jurisdiction. There are also seven Regional Border Police Units⁵. Each Regional Police Unit polices its own municipality. All Units (besides Budva) are also in charge of policing between one and three smaller neighbouring municipalities, by having their respective Municipal Police Units (*ispostava*) within their jurisdiction. These eight Regional Police Units and 13 Municipal Police Units reflect Montenegro's territorial division into 21 municipalities. They are further functionally divided into two sections: uniformed policing and criminal investigation.

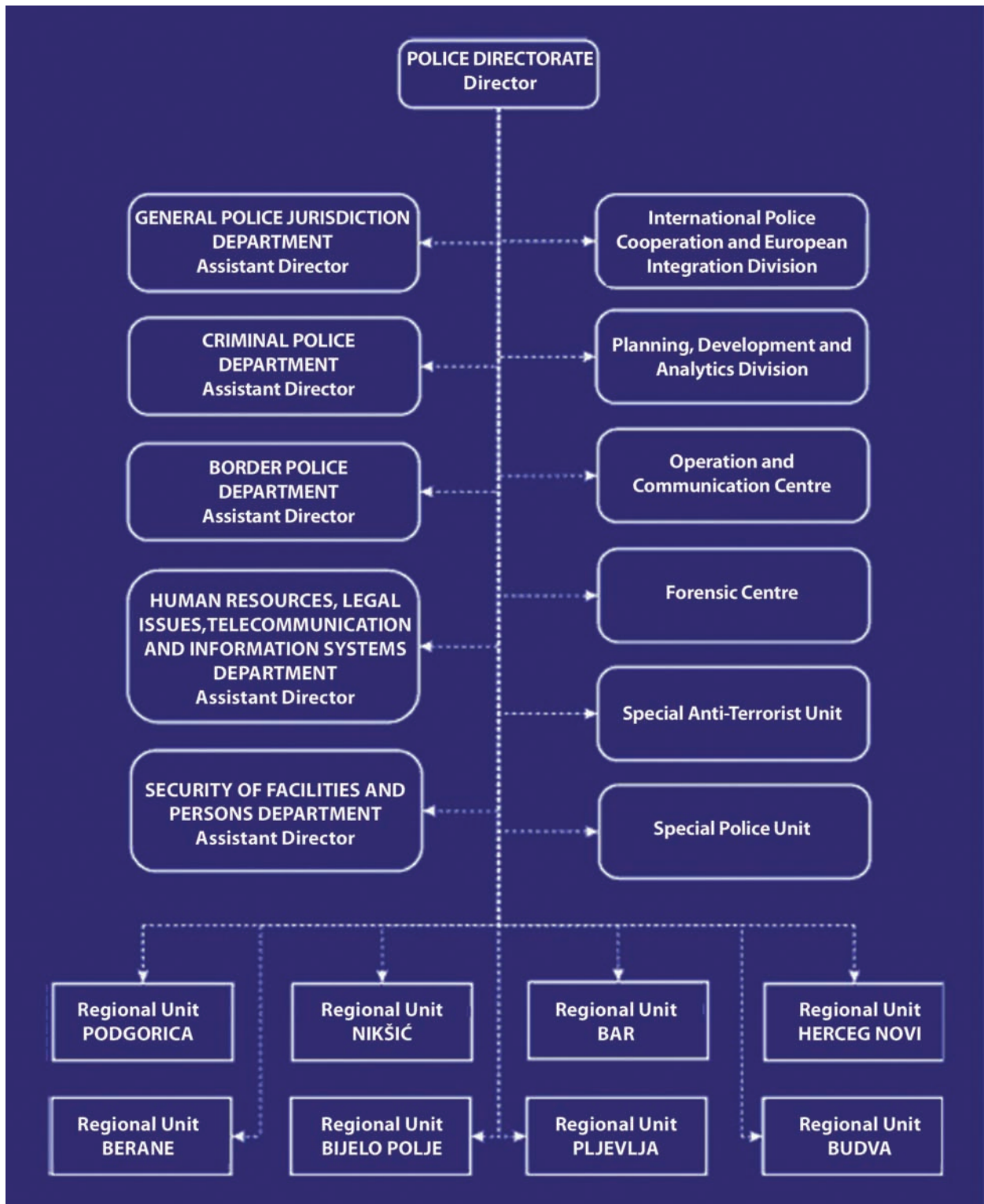
Functionally, Police Administration is at the central level and is composed of five sectors, two departments, two centres and two special units. The sectors are: (1) General Purpose Police Sector (i.e. uniformed police), (2) Criminal Investigation Sector, (3) Border Police Sector, (4) Sector for the Protection of Persons and Facilities and (5) Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems⁶. Each of the five sectors is headed by an Assistant Police Director. Two departments are: (6) Department for International Police Co-operation and European Integrations and (7) Department for Planning, Development and Analysis. The Police Administration's two centres are the (8) Operations and Communication Centre and the (9) Forensic Centre. Finally, the two special units are (10) Special Antiterrorist Unit and (11) Special Police Unit. The twelfth organizational unit at the Police Administration's central level is the (12) Police Director's Cabinet. The central-level departments and the Forensic Centre, as well as the departments within sectors, are further subdivided into groups, while special units are further subdivided into teams. The Operations and Communication Centre is subdivided into 21 municipal-level Duty Operations Services.

4 Bar, Berane, Bijelo Polje, Budva, Herceg Novi, Nikšić, Pljevlja and Podgorica. The Budva Regional Police Unit has been formed after the previous OSCE report.

5 Bar, Berane, Bijelo Polje, Herceg Novi, Nikšić, Pljevlja and Podgorica.

6 The former three represent the traditional policing branches, while the latter two have been formed more recently. The Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems has been formed after Police Administration became an authority separate from the Mol and performs logistic and administrative tasks.

Figure 1: Organizational Structure of the Police Administration



The General Purpose Police Sector performs the tasks of what is usually described as uniformed police and is composed of four departments: Public Peace and Order Department, Prevention and Community Policing Department, Traffic Security Department, and Department for Recruitment and Protection of Property and Persons. The **Border Police Sector** is composed of four departments: Department for State Border Surveillance, Department for the Control of Crossing the State Border, Operations Department, and Department for Foreigners and the Suppression of Illegal Migration (within which the Asylum unit for Foreigners is located). The **Criminal Investigation Sector** is composed of eight departments: Department for the Suppression of Economic Crime, Department for the Fight against Organized Crime and Corruption, Department for the Fight against Drugs and Smuggling, General Crime Department, Special Verifications Department, Witness Protection Unit, Un-

dercover Investigation Unit, and the National Central Bureau of Interpol. The **Sector for the Protection of Persons and Facilities** is composed of three departments: for the Protection of Persons, the Protection of Foreign Protected Persons and Antiterrorist Search and the Protection of Facilities and Diplomatic and Consular Missions. The **Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems** is composed of four departments: Legal Affairs, Human Resources Management, Planning and Development, Telecommunication Technologies and Systems, and Information Systems. Financial matters of the Police Administration are also within the competences of this Sector. The former three Sectors of Police Administration are described in more detail over the next three chapters, so the latter two will be briefly described in this one.

The Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems has been formed as a direct consequence of the separation of Police Administration from the MoI. It performs a variety of logistical, administrative and financial roles for the Police Administration and it largely reflects the structures of the MoI from which it emerged.

The tasks performed by the Sector for the Protection of Persons and Facilities had previously been partly under the competences of the National Security Agency (ANB)⁷ and partly under the competences of the General Purpose (Uniformed) Police Sector. The Sector itself was formed during reforms in 2007. Ten officials are being constantly protected by the police.⁸ A security assessment conducted by the ANB in co-operation with the Police Administration, determines if the former holders of these offices are also to be protected by the police⁹. The highest foreign officials also enjoy police protection while in Montenegro, as well as other foreign official on the basis of a security assessment. Upon a Government's decision based on a security assessment, the Sector also protects foreign missions and houses or flats of certain protected individuals. They also protect the facilities of courts, prosecutor's offices, Ministry of Interior and Police Administration. Altogether, 82 facilities are being protected – 43 permanently and another 39 by patrolling. Such a large portfolio of the Sector requires the use of many resources. A number of facilities could be protected by private security companies and trained police officers could be used for other policing tasks. This should be taken into account with the expected downsizing of the Police Administration.

The Police Administration's Department for International Police Co-operation and European Integrations is in charge of strategic bilateral co-operation with law enforcement agencies of foreign countries (primarily with those in the region and with those of the European Union member states), as well as with international organizations (United Nations, OSCE, Council of Europe, Interpol, Europol, SECI Centre, etc.). While the National Central Bureau of Interpol (placed within the Criminal Investigation Sector) conducts operational police co-operation with other police services and international police organizations, the Department for International Police Co-operation and European is in charge of strategic-level international co-operation. Among other things, this includes initiating and harmonising various international police agreements.

The Police Administration's Department for Planning, Development and Analysis is the successor of the MoI's Strategic Planning Unit, which was established in 2003 with the strong support from the OSCE. The then-Head of the OSCE Mission to Serbia and Montenegro, Mr Maurizio Massari, stated: "This unit is tasked with charting the course towards sound and sustainable police reform and will be the engine of that process." It is composed of senior and experienced police officers. They are tasked with suggesting and planning the main police reform processes, based on the appropriate analysis. As envisaged by the previous OSCE Report on Police Reform in Montenegro¹⁰, it became the permanent planning structure for the Police Administration. The Department conducts analyses and research of security matters of police concern, as well as their relations. It also makes strategic threat assessments, identifies trends and prepares long and short-term strategic plans.

7 Bodyguards of three highest officials (President of the Republic, Prime Minister and Parliamentary Speaker) and the team for biochemical testing have been taken over from the ANB.

8 President of the Republic, Prime Minister, Parliamentary Speaker, President of the Supreme Court, President of the Constitutional Court, ministers of interior, foreign affairs and defence, Supreme State Prosecutor, and the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes.

9 Former Prime Minister Mr Milo Đukanović currently enjoys police protection under this mechanism.

10 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 38.

The Operations and Communication Centre inherited the Duty Operations Centre, which has been pointed out by the previous OSCE report as an example of the inefficient accumulation of resources¹¹. The situation did somewhat improve when it was taken out of the uniformed police and placed directly under the Police Director's authority. Police Administration intends to further centralise this important organizational unit and to use modern technology to make it more efficient, as suggested by the OSCE back in 2006. Certain technological progress has been achieved in the meantime and it increased the Centre's capacities up to a point.

The state-of-the-art Forensic Centre grew out of the rather poorly equipped Criminal Technical Centre. It is the only institution in Montenegro that conducts all kinds of forensic research, except medical and psychiatric forensics. The Forensic Centre developed significantly in recent years and a range of interviewees from various authorities and different levels expressed great satisfaction about the quality of evidence delivered by the Forensic Centre and about the way it improved policing in Montenegro. It is described in more detail in chapter "The Fight against Serious and Organised Crime".

When it comes to special tasks units, the Police Administration currently maintains two such units: Special Police Unit (PJP – *Posebna jedinica policije*) and the Special Antiterrorist Unit (SAJ – *Specijalna antiteroristička jedinica*). SAJ is a classic police antiterrorist unit and PJP is a paramilitary police unit created in the 1990s to rival the federal military, but largely downsized since. These units carry out the tasks for which special expertise is required and assist the regular police in carrying out complex tasks (e.g. both have SWAT capacity), and both have a mandate to participate in the fight against terrorism and organized crime. Their capacities (human and technical)¹² and mandates largely overlap and, given scarce resources, merging them should be considered. In many other European police services, SAJ and PJP-type officers participate in regular police duties when not carrying out their specialized tasks or undergoing specialized training. This would both help save resources and promote career development, as their members would have an easier transition to regular duties once they reach the age limit to perform special operation tasks. This would also be important for further police demilitarisation.

PJP and SAJ Mandates

PJP is envisaged for performing the following tasks:

- The fight against all forms of terrorism and organized crime;
- Establishing public peace and order in exceptional circumstances;
- Securing public gatherings and protests with the highest degree of security risk;
- Securing protected persons (VIP) and facilities of special importance for the state;
- Assisting other organizational units of the [Police] Administration in conducting the most complex tasks and assignments;
- Support to state institutions in removing the consequences of natural disasters and other accidents (rescue missions, participation in military-police and other missions in crisis areas);
- Planning, organising and conducting general, expert and specialist training, seminars and courses;
- Following, researching and suggesting the implementation and use of contemporary achievements in the domain of methods and tactics of the Unit's conduct in performing the most complex security tasks.

SAJ is envisaged for performing the following tasks:

- The most complex tasks and assignments in the area of terrorism;
- Hostage situations;
- Containing dangerous individuals;
- Arrest of criminal groups;
- Situations involving armed resistance
- Providing assistance in the fight against organized crime,
- Providing assistance in rescue actions.

11 Ibid. pp. 42—45.

12 PJP and SAJ even share the same premises.

During the research for this Report, it was noted that Montenegro's police service is quite a hierarchical organization in many of its parts. A number of Police Administration's organizational units—both at the seat and on the regional and local level—have very few staff and a number of these units have managers who manage only a handful of employees or, in some cases, no employees at all. On one occasion in the course of research for this Report, both members of a unit tasked with an important area of law enforcement have been interviewed – the head and deputy head. Such organizational structure should be subject to a functional analysis and it should be geared towards a more 'flat' model with fewer managers supervising more staff.

1.3 Human Resources Management

The organizational unit in charge of the Police Administration's human resources management is the Department for Human Resources Management, Planning and Development, within the Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems. It is officially mandated for (1) developing human potential (training), (2) career planning and following, (3) deciding on work related rights and obligations, (4) work relations, and (5) developing analyses and information related to human resources. In reality, this Department is rather weak and insufficiently developed to perform its official mandate and it is the latter three roles that they can currently effectively perform. There is a need for strengthening the capacity and effective mandate of this organizational unit. It should be able to develop a human resources management strategy and career development plan. This should be done in close co-operation with the Police Administration's Department for Planning, Development and Analysis.

As of September 2010¹³, the Police Administration numbers 5,313 employees of whom 4,684 are police officers. Among the employees, 4,292 are fully employed (under the so-called 'unlimited' term of employment), while 1,021 are employed for a limited amount of time. Most of these are working on annually renewable contracts, while 26 are interns. The official table of posts (*Act on Systematisation*) envisaged 5,189 working places throughout the Police Administration.

There are strong functional reasons for reconsidering the Official Table of Posts, as the degrees of workload vary significantly among various organizational units and individual employees. In addition, there are also huge budgetary pressures for downsizing the Police Administration – which is itself the third biggest individual employer in Montenegro, (preceded by the education and healthcare state sectors). With the global economic crisis growing in intensity, it is reasonable to expect that these pressures will grow proportionately. As noted in Barry Ryan's police perception survey, "...the Police Administration is struggling to manage what it sees as its employee surplus. Serving officers (and other employees) who do not satisfy the minimum educational criteria as set out by the legislation undergirding the systemisation process will be demoted to an appropriate rank or dismissed. [...] Older employees with more experience than education are particularly vulnerable to demotion."¹⁴

The most damaging response in addressing these issues would be to risk weakening police capacity through cuts undertaken without a thorough functional assessment of the needs for staff. The mechanical comparison with an average ratio of police officers to general population in other European countries should not be the only criterion taken into consideration, and all other relevant circumstances (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. Such functional-based assessment should be carried out in co-operation between the Department for Planning, Development and Analysis and the Department for Human Resources Management, Planning and Development, with the former in the lead role. In addition to the new organizational structure and table of posts, this process should also result in renewed job descriptions. Once the decisions are made upon the functional assessment, the appropriate reduction of number of staff will need to be followed by an adequate redundancy programme. The effective employability of redundant employees of the

13 Data presented at the regional conference "Challenges in Human Resources Management during Police Reform", Skopje, 20-21 September 2010.

14 Ryan, Barry J. (2010) *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010*. Podgorica: OSCE Mission to Montenegro. pp. 24—25.

Police Administration will need to comprise not just financial compensation, but also professional re-training and start-up credits and grants for small businesses, similar to the example of demobilisation in some armed forces in the region.

There are 645 female employees (12.14% of the total workforce) and 550 are police officers. Among them, 330 are uniformed policewomen. There are 20 women in managerial posts in the Police Administration¹⁵ out of which one is at the strategic level managerial post, one holds middle management (coordinating) post and 18 are in operational management posts. The key issues about the gender composition noted in the previous OSCE report remain pertinent, but some improvement did occur. More improvement towards a more representative police service will be needed and welcomed.

The ethnic structure of the Police Administration is considerably unreflective of the population of Montenegro. Ethnic Montenegrins are significantly overrepresented, with the share of 84.49% in the Police Administration, while their share within the population is 44.98%, according to the official results of the 2011 population census. All other ethnic groups are underrepresented. In terms of percentage, Croats are the most underrepresented group, whose share of the Police Administration's employees is only about a tenth of their share in the population of Montenegro¹⁶; while Muslims are the least underrepresented ethnic group, whose share among the police reflects 92% of their share in the general population. In terms of absolute numbers, Serbs are the second largest ethnic group and are the most underrepresented. Their representation among the Police Administration's employees is less than a fifth of their share in the general population. The only linguistically different ethnic group, Albanians, are represented only by about a quarter of their share in Montenegro's population. Bosniaks are also underrepresented with their share of police being around two fifths of their share in the general population. The Roma population is the least represented group with a ratio of 0.0%. It should also be noted that it was not possible to receive this kind of data for the previous OSCE report on police reform in Montenegro, as at the time official policy of the Police Administration was to not to classify employees according to ethnic categories. Statistics became available only after the Government of Montenegro was compelled by the European Commission to publicise them. The discrepancies that emerged will need to be addressed in the future policy and strategy of human resources development.

15 Annex to Police Development Strategy.

16 It does, however, need to be noted that the vast majority of Croats live in the coastal part of Montenegro, which is an area where population has a significantly lesser interest to join the police because of the multitude of job opportunities in other areas, mostly in tourism.

Table 1: Comparison of the Police Administration's ethnic structure with the ethnic structure of Montenegro

Ethnic groups	Ethnic structure of Montenegro, according to the official results of the 2011 population census ¹⁷	Ethnic structure of the Police Administration, according to the report officially given to the European Commission ¹⁸	Representativeness ratio ¹⁹
Montenegrins	44.98%	84.49%	1.88
Serbs	28.73%	6.20%	0.22
Bosniaks	8.65%	3.46%	0.40
Albanians	4.91%	1.21%	0.25
Muslims	3.31%	3.05%	0.92
Croats	0.97%	0.09%	0.09
Others	3.58%	0.17%	0.05
Refused to answer	4.87%	0.12%	0.02
No data	0	1.21%	—
Total	100%	100%	—

No progress has been recorded since the previous OSCE report²⁰ in the reformation of systems of recruitment and promotion. A transparent and merit-based recruitment and promotion system should be established. The recruitment of new personnel into the Police Administration should be the ultimate responsibility of the Department for Human Resources Management, Planning and Development, but only after a functional assessment is finalized. Determining the optimal number of new staff is important as the downsizing will have implications for the number of new recruits. The Department for Human Resources Management, Planning and Development has to advertise all open positions. Applicants should be interviewed by an impartial commission and undergo necessary tests. A similar system should be set up for promotions. Internal vacancies of all managerial positions, including the position of the Police Director, should be advertised throughout the Police Administration. In certain cases, vacancies should also be advertised externally on media with national coverage. It is crucial that all recruitment and selection procedures guarantee a transparent, equal and merit-based process.

17 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 2011)

18 Government of Montenegro, Ministry of Foreign Affairs and European Integration (29 September 2011) *Šesti mjesečni izvještaj o realizaciji obaveza iz akcionog plana praćenja sprovođenja preporuka iz mišljenja Evropske komisije* [Sixth Monthly Report about the Implementation of Obligations from the Opinion of the European Commission], p. 715.

19 Ratio between a share of an ethnic group in general population and their share among the Police Administration's employees. Number 1 would mean that a given group's share among the police equals their 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.

20 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, pp. 46—47.

1.4 Police Education and Training

The Police High School is the first police training institution in Montenegro and was established in 1995 in Danilovgrad. It provided a secondary school education to male students aged between 14 and 18. None of the instructors working at Police High School were formally qualified in adult education. Political developments in Yugoslavia in 1990s had a major impact on police training and education in Montenegro. Large number of staff with military training and without any proper police training was recruited overnight to work as members of the paramilitary Special Police Unit and later as border police officers. Due to the fact that there was neither a police educational institution nor a systematic educational system, there were no in-service, specialized or advanced training offered within the police structure. Following the previous OSCE recommendations, the Police High School was transformed into the Police Academy in 2006. It is now an independent public institution that provides basic police training for new recruits, in-service and specialized training, as well as supplementary training for those police officers without police training. The Police Academy developed a management training curriculum, yet it never became a regular programme in the analysed period, but depended greatly on *ad hoc* international aid. The Police Administration employees also receive training provided by the Government's Directorate for Human Resources Management, as well as by international partners.²¹

The Police Academy has a unique structure as it is dually accountable to both the Ministry of Education and Sport and the Ministry of Interior. This independence provides it with a good degree of academic freedom and enables it to operate without being subject to potentially cumbersome authorisation procedures.²² Although consulted during the development of curricula, the Police Administration is not involved in authorising them.²³ Independence also liberates the Academy from being subject to the Police Administration budget and facilitates its self-development. Although the Academy has a separate budget that covers basic personnel and maintenance costs, most of the operational costs for all but basic training course are covered by the Police Administration or other clients. This is why the Academy has recently developed supplementary and in-service training courses for other security professions such as prison and customs officers. It also offers commercial services such as certified training for security guards, English language and IT courses. Such a financial model may provide the sustainability of this institution, but the political decision-makers should re-examine whether the Police Academy's competitiveness should be secured by its monopolistic position (e.g. regarding licensing of security guards) and public co-funding. Police Academy creates the appearance of a civilian institution that can effectively combine the normative aspects of police training with more traditional skills, such as in the use of force. There is no direct hierarchical link or authority to provide co-ordination and co-operation between the Police Administration and the Academy. This sometimes causes serious problems in the planning or delivery of police education and training programmes. Currently, informal networks overcome these problems, as the current Principal of the Police Academy used to be an Assistant Police Director and chief of the uniformed police, but these problems would have been easier and quicker solved—and in a systematic manner—if the Police Administration would strengthen its capacities for dealing with education and training issues.

In short, the main progress in the period of 2006-2011 has been the transformation of the Police Academy into a fully fledged institution of basic professional police training. Its capability has been recognized by its inclusion in the Association of European Police Colleges (AEPC) in 2009 and reinforced by the partnership it has established with the University of Montenegro's Faculty of Law, which allows for its graduates to continue education in this Faculty in order to receive a BA in Criminology. While it can boast excellent teaching, lodging and training facilities, its faculty numbers do not fully cover the train-

21 The Government's Directorate for Human Resources provides training in generic civil servants' qualifications e.g. introduction to public administration system or anti-corruption measures. For example, the OSCE Police Training Centre (OSCE PTC) organized numerous courses for different police departments on more than 20 police related topics since March 2003 and approximately 3,500 police officers have gone through those courses by 2010. The OSCE PTC is located in the premises of Police Academy in Danilovgrad with whom it shares the costs of joint activities since 2008. Police Administration pays board and lodging of the police officers who receive training at OSCE Police Training Centre.

22 The basic training programmes for police officers and prison guards have, however, been officially licensed by the Ministry of Education and Sport.

23 Yet it is included and it does authorise annual specialist training plans.

ing needs of the Police Administration. The faculty does not have enough people who are familiar with adult teaching principles, professional police experience and foreign language skills.

The main obstacles for realizing its full potential is to be found in the absence of a coherent policy for human resources management in the Police Administration. This absence effectively impedes career development of its police staff and prevents the accurate design of training needs for specialized, advanced and management training. It needs to be observed that the sustainability of the Police Academy is questionable, bearing in mind a decreased demand for graduates of basic police training.

Picture 2: Police Training and Education Reform in Montenegro²⁴



1.5 Capacity

The Police Academy employs 16 instructors and they have all completed OSCE Police Training Course, as well as the Curriculum Development Course. Four trainers have also completed the OSCE Advanced Police Training Course, enabling them to train other trainers, as well as the OSCE Training Evaluation Course. The biggest concern and problem about the instructors is that only half of them have any policing background or experience in the field. This means that—although a lot of classes are allocated to practical and situational education—a number of faculties lack professional experience to act as role models.

²⁴ Diagram developed by the Police Education and Development Unit, Law Enforcement Department, OSCE Mission to Serbia and Montenegro, February 2006. Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 124.

The Police Academy, however, in recent years invested a lot in increasing their human capacities. In co-operation with international organizations, the faculty received tailor-made training in Montenegro and attended training abroad. The Academy also financially supported the faculty in their postgraduate studies.

The Academy has been organizing ‘train-the-trainers’ courses successfully for members of the police, customs and Corrections Department under the supervision of OSCE Police Training Centre. 45 police officers completed this course and became trainers to be used for in-service training, however only five are used as trainers in the field.²⁵ The capacity for in-service training is low in some departments. Border police, criminal investigators and uniformed police need trainers to conduct their own in-service and specialized training. There are however departments which have built a sustainable model by appointing in-service trainers, training them as trainers, sending them to relevant specialized training courses and subsequently utilising them to train colleagues and newcomers. This approach could be used more widely. The Police Academy should provide a space for peer exchange and regular refreshment and professional development of active in-service trainers. The approach would also serve to improve the sustainability of training provided by international experts visiting Montenegro.

The Police Academy is clearly not able to accommodate all training needs. This is due to limited expertise in some fields. This work is supplemented and assisted by external lecturers and international and regional co-operation. The Police Academy, from its inception, has been heavily supported by the international community, especially the OSCE, ICITAP, the Swedish National Police Board and the European Union. It has profited from its proximity to international reformers and has retained a spirit of openness to international support. As a centre of police reform the Academy has hosted numerous specialized training courses that aim to spread the values of reform to the furthest reaches of Montenegrin policing. The limited knowledge of foreign languages does however make it difficult for personnel to participate in international training programmes.

1.6 Courses provided by the Police Academy

Up to October 2010, the duration of the **basic police training** was 18 months. From October 2010 onwards, the duration increased to two years. It is comprised of a one year on-site theoretical and practical training, a four-month field internship in regional police units and three months of additional theoretical and practical training (including simulations) in the Police Academy. Cadets completing two-year basic training successfully are eligible to continue their studies at the University of Montenegro’s Faculty of Law to attain a BA in criminology. In future, if basic police training is continued, the recruitment campaign for this training should be targeted and tailor-made in order to attract more women and different ethnic groups and to improve diversity of the student body and the composition of the police service.

Table 2: Overview of graduates of the Basic Police Training since 2006

Generation	First generation 2006-2008	Second generation 2007-2009	Third generation 2008-2010
The number of enrolled students	47	26	36
The number of graduates	40 (all employed by the Police Administration)	26	33

²⁵ The Report from LFA Workshop: Development of Montenegrin Police Service from the Aspect of Education and Training, Police Academy, 6-9 April 2010.

The Police Administration has made it clear that it cannot absorb all of the students graduating from the Police Academy due to a surplus of personnel inherited from massive recruitments during the tensions in the 1990s²⁶. This problem is exacerbated by the 'downsizing' policy and by budget cutbacks which have effectively frozen police recruitment. It is for this reason that the Police Academy has not enrolled new cadets in 2011, but has provided basic training for customs and prison staff. Such issues, it must be said, hardly bodes well for an organization hoping to attract high quality candidates. The discontinuity in Police Academy training is unfortunate and it has been identified by interviewed MPs, journalists and NGOs that graduates of the new basic police training in accordance with modern democratic policing principles are the best communicators of the vision of police reform to put the vision into practice. As the OSCE Police Perception Survey noted, "the entire *raison d'être* of the Academy is undermined if successful candidates are not being selected by the police. There was a perception among some (ex-police) members of staff that the Academy would be better off if placed under the authority of the Police Administration. Civilian members of staff, relishing their academic autonomy, vigorously disagreed."²⁷

The Academy, in co-operation with the OSCE PTC, carries on organizing a five-month **supplemental course** for the border officers who have no policing education. It has proved difficult to bring uneducated personnel up to the required level²⁸. Some personnel have not been receptive to supplementary training due to their low initial education level or being close to retirement. Courses have not always been adapted to this target group as they have been compressed and intense. Almost no participants in supplementary training have been failed at the end-of-training exam due to the instructors' "empathy with officers who otherwise will lose their jobs and income."²⁹ More strict assessment policies should be practiced at the remaining supplementary courses and past students' knowledge and skills could be re-evaluated as a part of a phasing out of uneducated personnel. Prior to that, the Law on Police needs to be changed and an Act on Systematization needs to be drafted which will explicitly state the minimum educational background and professional training³⁰ required to perform the job of a police officer. After a functional analysis is carried out in order to define the optimal size of the police service, the systematic downsizing programme should be started. It should be modelled upon demobilisation programmes in militaries of the region and international financial assistance should be sought to support it. The downsizing programme should have both the options for supplementary training for officers to remain in service, and provide adequate severance packages for those willing to leave voluntarily including relevant re-training programme for civilian life.³¹

Specialized training refers to training requested by an operational unit to provide personnel with skills required for their post. There are a number of problematic issues related to specialized training quoted in the Report from the Logframe Assessment Workshop on Reform of Police Education and Training. The purpose of the Report was to elaborate a basis for a programme ensuring that the police education system and human resource management system are coherent and supportive of the goal to enhance professionalism and bring Montenegrin police service in line with international standards.

The first problematic issue is the poor selection of participants. Personnel sent to training do not always benefit as the training is not relevant for the work they will be performing. This leads to low impact from training since participants cannot put training into practice. Personnel who would need deeper knowledge in certain areas are not always selected to participate in relevant training. The Police Academy is not getting clear feedback on what type of training operational departments need for their personnel, as the training needs are defined at the beginning of the year by police managers and often change during the year. Training needs should be addressed to job requirements and career development plans and they should be developed by the Department for Human Resources Management in consultation

26 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 25.

27 Ryan, Barry J. (2010) *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010*. Podgorica: OSCE Mission to Montenegro, p. 15.

28 *The Report from LFA Workshop: Development of Montenegrin Police Service from the Aspect of Education and Training*, Police Academy, 6-9 April 2010.

29 Ibid. p. 6

30 The 2005 Law on Police defines only high school degree, passing fitness test and security vetting as conditions for employment as a police officer. It does not specify basic police training as a requirement for becoming a police officer.

31 For possible models, please see: <http://www.ddr-humansecurity.org.uk/images/DDR%20DESK%20REVIEW%20BiH.pdf>.

with direct police supervisors. Managers need to have a better system for decision support that enables them to match personnel with training needs and available training. There is a need for clear communication procedures for communicating training needs to the Police Academy in order for the Academy to develop relevant courses.

Table 3: Overview of specialized training

Year	In-service training		Specialized training		Training for the purpose of implementation of new legislation		Total	
	No. of courses	No. of participants	No. of courses	No. of participants	No. of courses	No. of participants	No. of courses	No. of participants
2007	44	597	4	47	2	42	50	686
2008	46	619	5	90	1	44	52	753
2009	50	798	24	325	—	—	74	1123
Until September 2010	32	555	13	211	17	359	62	1125
TOTAL	172	2569	46	673	20	445	238	3687

There are currently no clear criteria for career advancement or any linkages to **management training**. The Police Development Strategy however recommends the development of education criteria which would be linked to certain levels of promotion. It is recommended in the Police Development Strategy³² that a new human resources system is established, where it will not be possible to be appointed to a managerial post unless one has successfully passed management training. It is assumed that requirements for management training as a criteria for career advancement would address the current situation with a few senior managers participating in training which would lead to an upgrade of managerial capacity in the Police Administration. So far mostly mid-level managers have attended different management skills training provided by the Police Academy and delivered by external lecturers. The Academy's leadership also admits difficulty in attracting senior managers and finding suitable setting for their professional development. The design of management training should be done so as to reflect job needs and to allow for flexible provision of training in line with the work demands of most police officers. Mentoring after the job could be one of the models which have been tried out, for example for introducing senior police officers to gender mainstreaming in Sweden.

³² Government of Montenegro, Ministry of Interior (2011) *Strategija razvoja i funkcionisanja policije u periodu 2011-2013. godine* [The Strategy for the development and functioning of police service in the period 2011-2013], p. 18.

1.7 Financial Resources Management

Financial management is among the crucial areas for police reform and, indeed, for policing in Montenegro. A more efficient use of financial resources would help the efficiency of police reform and policing.

Lack of funding and low salaries are often perceived as a major demotivating factor of police officers and are often viewed as a main impediment for police reform in Montenegro. This should, however, be seen in the context of overall Police Administration funding and also in the context of the overall difficult situation in this society in transition.

Table 4: Police Administration's annual budgets 2007—2011³³

Year	State budget of Montenegro (EUR)	Police Administration's budget (EUR)	Share in the state budget of Montenegro (%)
2007	616,860,519.15	50,344,415.94	8.16
2008	730,409,181.00	71,606,562.61	9.80
2009	1,623,684,943.65	82,580,768.50	5.81
2010	1,425,963,634.38	64,512,702.96	4.52
2011	1,170,744,127.39	64,190,201.15	5.48

The Police Administration is among the largest budget spenders in Montenegro, being second only to the Ministry of Education, and by far the biggest spender among the criminal justice and security authorities.

³³ Year 2006 belongs to the reporting period, but is omitted because police budget was part of the Ministry of Interior's budget.

Table 5: Police Administration's annual budgets breakdown to major categories 2007—2011

Budget Categories	2007		2008	
	€	%	€	%
Gross income and social contributions	39,884,003.76	69.33126408	57,336,668.86	68.01703526
Other personal income	3,532,139.00	6.139996958	5,573,817.00	6.612077662
Transfers for social protection	1,936,371.59	3.366038447	-	-
Cost for material and services	8,970,000.00	15.59275349	13,480,808.00	15.99194043
Regular maintenance	540,000.00	0.93869419	650,000.00	0.771078505
Rent	500,000.00	0.869161287	400,000.00	0.474509849
Other expenses (miscellaneous)	522,207.96	0.907765885	720,000.00	0.854117729
Capital expenditures	1,600,000.00	2.781316118	6,088,218.73	7.222299381
Transfers to institutions, individuals, nongovernmental and public sector	42,000.00	0.073009548	48,000.00	0.056941182
Total	57,526,722.31 €	100	84,297,512.59 €	100

2009		2010		2011	
€	%	€	%	€	%
51,569,385.19	70.12088002	49,183,284.71	76.23813986	51,684,172.82	80.51723144
6,273,300.50	8.530048402	5,703,867.50	8.841464143	2,485,711.74	3.872416187
-	-	-	-	-	-
10,390,150.76	14.12788832	7,636,772.59	11.83762614	7,653,284.63	11.92282388
650,000.00	0.883830045	437,999.99	0.678936039	322,911.96	0.503054912
310,020.00	0.421546139	291,600.00	0.452004003	385,920.00	0.601213259
300,030.00	0.407962351	-	-	-	-
4,028,104.59	5.477169015	1,259,178.17	1.951829814	1,658,200.00	2.583260327
22,560.00	0.030675701	-	-	-	-
73,543,551.04 €	100	64,512,702.96 €	100	64,190,201.15 €	100

In the reporting period, depending on a year, approximately 64—84% of total Police Administration's budget would be allocated to salaries and other forms of income, while approximately 12—18% to paying various maintenance and services. Little has been allocated for infrastructure or capital investment.

A major part of funds for investment has come from international donations, which are difficult to predict and are an inconsistent source. In the previous OSCE Report on police reform in Montenegro, it has been noted that the MoI (hence the police service as well) did not have a complete overview of donations received.³⁴ This situation radically improved and such overview is now available.

Another source of the Police Administration's extra-budgetary income is coming from private donations from within Montenegro. For instance, the building of the Regional Police Unit in Pljevlja has been renovated through donations of private companies from that town. Another example is donation of equipment and clothes to special units. Such practice should be discontinued as it may lead to unwanted private influences over policing.

The current budgeting process keeps being highly centralised³⁵, which can partially be attributed to the state socialist heritage, but which means that Recommendation 12 of the previous OSCE Report on Police Reform in Montenegro³⁶ has not been fulfilled. The Police Administration's budget proposals are being drafted at the top—in the Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems—without any prior input from budget users (i.e. organizational units), which would be the procedure in developed police services. Budget users' input is requested only once the budget proposal is already drafted, which leaves little space for modifications. Only small corrections can be made and only after heavy pressure from the field. The Police Administration currently does not have any budget proposal forms in which the organizational units could fill out their requirements at the beginning of the planning cycle.

Such a lack of budgetary transparency, with virtually no consultation with end-users, requires huge improvement. Every year the Ministry of Finance sends the budget proposal forms to all authorities funded from the budget. They also provide special budget advisors to assist with technicalities of filling in those forms. The police service's budgetary needs would probably be met more efficiently were the Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems to follow the same example inside the Police Administration and solicit input from units before submitting the budget proposal to the Ministry of Finance. It can be expected that in the first attempts some organizational units would provide 'wish-lists' rather than proper input based on planning, but it would eventually reflect more realistic requirements. This would also demystify the budget cycle within the police ranks and would be an opportunity for police managers to realistically assess the needs of their units. The additional value would be the reinforcement of the Police Administration's planning capacities.

Due to specific nature of policing, the legislation provides an opportunity to the Police Administration to procure sensitive equipment under special procedures. This is a normal practice, but it has been noticed that it has been indiscriminately used in Montenegro. The most prominent such example was the construction of the new Police Administration headquarters in Podgorica, which, under no circumstances, should have fallen under the category of special procurement. Such non-transparent practices need to be discontinued and a rigorous financial oversight needs to be established.

Financial transparency and accountability would also be reinforced by introducing an independent external audit element that would not only verify that the accounts were in order, but would also enable an assessment of the performance of the Police Administration. The external audit would focus on whether it provides 'value for money' to the society, but would also determine where money might be saved through more efficient procedures. Performance assessments and financial audits are a rather new concept to this part of Europe. They could be conducted by the State Auditing Institution or by contracted commercial auditors. Performance and financial audits should provide in-depth insights for political decision-makers and the public. In police reform processes, performance assessment and fi-

34 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 56.

35 As noted previously by the OSCE in: *Ibid.* p. 57.

36 *Ibid.* pp. 65 and 157.

financial audit are especially important for the budget oversight of large-scale, expensive reform projects (such as infrastructure development) where corruption is more likely to occur. Another benefit is in identifying ways to rationalise the police organization, as well as making its work more effective. Done transparently, such audits could also serve to increase public and international trust in Montenegro's ability to carry out police reform.

1.8 Recommendations

1. A policy of greater decentralisation of operational decision-making should be implemented as part of the reorganization of the Police Administration, with subsidiarity as the guiding principle. This will involve the transfer of authority over issues specifically related to policing in that community to regional and municipal police authorities.
2. The delegation of authority to implement the reform process should be increased, i.e. the responsibility should be more decentralised.
3. A stronger and more active interagency co-operation of various central and local authorities is needed in dealing with local problems.
4. A consolidation of special police units and capacities should occur, with rationalisation of resources, demilitarisation and de-politicisation as guiding principles.
5. Police Administration is quite a hierarchical organization in many of its parts. Such organizational structure should be subject to a functional analysis and it should be geared towards a more 'flat' organizational structure model with fewer managers supervising more staff.
6. There is a need for strengthening the capacity and effective mandate of the Department for Human Resources Management, Planning and Development, within the Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems. It should be able to develop a human resources management strategy and career development plan. This should be done in close co-operation with the Police Administration's Department for Planning, Development and Analysis.
7. All positions that become available should be filled through an open application process rather than by appointment and lobbying. Positions should be advertised and an interview panel comprised of senior officers and a human resources representative should assess candidates. Political appointments of operational positions should cease. It is crucial that all recruitment and selection procedures guarantee a transparent, equal and merit-based process.
8. The composition of the Police Administration should aim to reflect the composition of Montenegro. Currently the number of women, ethnic groups other than Montenegrins and people from the coastal region is low.
9. The Police Administration needs to downsize and rationalise the number of staff, but this process should not be conducted without a thorough functional assessment of needs, which should be conducted throughout the Police Administration, under the lead of the Department for Planning, Development and Analysis. Information regarding this important process should be disseminated to all staff as soon as possible.
10. 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 reintegration of redundant employees 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 Administration, Ministry of Interior and the government, which should also seek international support for this process.
11. Budget planning inside the Police Administration should be decentralised and the initial input given by organizational units.

12. The Police Administration should be operationally independent from the Ministry of Interior. A direct link for co-ordination and co-operation with the Police Administration should be formalized in order to ensure that planning and the realization of police education and training programmes are in line with the Police Administration's human resources strategy. The priorities for career development of its police staff should be the basis for accurate design of training needs for specialized, advanced and management training. The financing of the Police Academy should be re-examined to check if it could be supplemented by provision of services to private sector (e.g. licensing of security guards), as well as by public co-funding. The selection process should be more rigorous and ensure that an independent professional holds the position of the Police Director.
13. The Police Academy's faculty should further be supported to ensure that all teaching staff is familiar with adult teaching principles, practical police experience and could use relevant literature in foreign languages.
14. Qualified trainers, who have graduated from the Academy, should be used for in-service and specialized training. For this purpose, the Police Administration's management should recognise and appoint these people as part-time in-service trainers, ensure that they are sent to relevant specialized training and make them available to train colleagues and newcomers. The Police Academy should provide a space for peer exchange courses and professional development of active in-service trainers.
15. If basic police training is continued, the recruitment campaign for this training should be targeted and tailor-made campaigns in order to attract more women and ethnic groups and to improve diversity of the student body and the composition of the police service. More strict examination should be practiced at the remaining supplementary courses and past students' knowledge and skills could be re-evaluated as a part of the phasing out of uneducated personnel.
16. After a functional analysis is carried out in order to define the required size of the police service, the systematic downsizing programme should be started. It should be modelled upon demobilisation programmes in militaries of the region and international financial assistance should be sought to support it. The downsizing programme should have both the options for supplementary training to remain in service and provide adequate severance packages for those willing to leave voluntarily including relevant re-training for civilian life.
17. Specialized training should be improved by greater involvement of the Human Resources Department and direct police supervisors 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 in order for the Academy to develop relevant courses.
18. The new system of human resources management should regulate that it will not be possible to be appointed to a managerial post unless one has successfully completed management training. The design of management training should be done so as to reflect job requirements and to allow for the flexible provision of training in line with the work demands of most police officers.
19. A system of ongoing independent performance and financial auditing needs to be established.
20. The practice of receiving extra-budgetary donations from private sources from within Montenegro should be discontinued as it may lead to unwanted influence of private interests over policing.
21. 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.
22. 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 and the public.

2. THE FIGHT AGAINST SERIOUS AND ORGANIZED CRIME

Organized crime has profoundly affected the trajectory of social, economic and political transition in Montenegro. It is widely acknowledged that organized crime remains one of the biggest challenges of the country's transition from communism to liberal democracy. This chapter will concentrate on the methods for the fight against organized and serious crime. It will detail Montenegro's current capacities to address organized crime and examine opportunities for intra-agency, interagency and international co-operation. Recommendations for the future strategic direction of Montenegro's security against organized criminality will be placed within the context of its aspiration towards EU integration.

2.1 Contextual Considerations About Organized Crime in Montenegro

The historical, political, societal and economic background of the phenomenon of post-Yugoslav organized crime in Montenegro, as well as its main forms, have been described in a previous OSCE report on police reform¹ and not much space in this chapter will be dedicated to that. Several things, however, need to be pointed out.

The OSCE has previously reported² how, during the 1990s and the first half of the last decade, the persistence of organized crime and corruption was ignored as a security problem facing the state. It was not uncommon for some senior officials to respond to any mention of organized crime by the political opposition inside the republic, members of the then-Federal authorities, foreign and national press, or by certain foreign officials, as an anti-Montenegrin activity. This attitude has changed significantly after the Declaration of Independence in 2006, when the existence of widespread organized crime activities became a subject of concern to EU policy makers. In fact, the existence of organized crime and corruption became a key indicator of Montenegro's progress towards EU integration. A key indicator of a changing attitude towards organized crime is to be found in the discourse used by Montenegro's ruling political elite. It is noteworthy that references to organized crime have evolved. Whereas previously organized criminality was ignored or denied, currently the term is used in mostly prevalent in explicit or tacit allegations of criminal connections by some actors as a political tool.

Several high profile cases in Montenegro have revealed the extent of the problem. The most high profile case (Cape Zavala case) concerns the prosecution of a former Mayor of Budva and his associates by the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes which started in early 2011. Evidence was gathered by a prominent anticorruption watchdog Network for the Affirmation of Nongovernmental Sector (MANS), which used only publically available information to which it was granted access through new legislation (on free access to information of public interest). After almost two years this evidence was used by the Special Prosecutor, who instructed police to collect additional evidence and then indicted the suspects in an indicative political moment – shortly after two key leaders of the ruling Democratic Party of Socialists (DPS) resigned their posts in the Government. Such timing inevitably led some to conclude that it was only a part of the power struggle within the ruling party. It is an illustrative case of the political aspect of organized crime, which goes beyond one high profile case. Accusations of involvement in organized crime, emanating from various sources, have been consistently levelled on some officials³. The connections between organized crime and certain segments of the political establishment have also been pointed out by the OSCE in its previous report⁴ on police reform in Montenegro.

Organized crime has also been identified as an issue of great public concern in Montenegro. An April 2011 public perception survey commissioned by the OSCE Mission to Montenegro⁵ found that a vast

1 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, pp. 79—85.

2 Ibid. p. 84.

3 Morrison, Kenneth (2011) *Change, Continuity and Consolidation: Assessing Five Years of Montenegro's Independence*. London: London School of Economics and Political Science, LSEE Papers on South Eastern Europe, Issue 2, pp. 28—29.

4 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, pp. 79—82.

5 Research conducted by Podgorica-based think-tank Centre for Democracy and Human Rights (CEDEM), under the leadership of Dr Miloš Bešić of the University of Montenegro, has been published by the OSCE and CEDEM in the report *Attitudes of Citizens of Montenegro about the Police and Security Problems* (<http://www.osce.org/montenegro/81362?download=true>).

majority (84.4%) of citizens are concerned⁶ by organized crime. Although more than half of citizens (56.5%) have trust in the state's determination to tackle organized crime, less than a third (31.7%) find it efficient in conducting that.⁷ Only a small percentage of those surveyed believe that there are no organized criminals currently enjoying complete immunity from law enforcement (15.5%). The vast majority (84.4%) hold a contrary belief: 39.9% believe there are few 'untouchable' individuals, while 44.5% of citizens hold there are many. These beliefs of the public should be a cause of serious concern which needs to be appropriately addressed by the authorities, as they testify to a widespread perception among Montenegro's population that organized crime is an endemic phenomenon in their society.

The economic aspect of organized crime in Montenegro must also be emphasised. The neoliberal economic transition through the privatisation process has not been scrutinised properly. The origin of money used for privatising previously socially-owned and state-owned companies and property has not been controlled and vast amounts of criminally gained money thus entered legitimate economy, practically being laundered in this process. The new owners with dubious origin of their wealth did not perform as proper capitalist entrepreneurs and such transformation of ownership over the country's economy did not lead to the advancement of society.

Another aspect of Montenegrin organized crime that needs to be emphasised is its international character and especially its regional character. It is an integral and indivisible part of the post-Yugoslav organized crime mosaic. It has been estimated by some of the interviewed senior police officers that around 80% of Montenegrin organized crime has international elements. While Southeast European connections to Montenegrin and Western European organized crime networks are well known, the discovery in 2009 of its deep and elaborate intercontinental connections to South American cocaine cartels did come as a surprise to most observers.⁸ Another related element that needs to be mentioned is the persistence of accusations by some opposition politicians and media that Montenegro was harbouring fugitives from other Balkan countries. While Montenegro gained notoriety as a safe haven for some Italian *Mafiosi* fugitives during the 1990s, the proportions of such problem today cannot be confirmed beyond doubt⁹.

Six areas of organized crime activities have been identified in 2010 as the most common ones in the Ministry of Interior's *Action Plan for the Implementation of the Strategy for the Fight against Corruption and Organized Crime in the Period 2010-2012*: (1) intoxicating drugs, (2) illegal migration and trafficking in human beings, (3) smuggling of motor vehicles, (4) money laundering, (5) high technology (computer) crime and (6) smuggling of excess goods¹⁰.

It has been stated in the previous OSCE police reform report¹¹ that solving high profile murders will be a litmus test for the capacity of Montenegro's criminal justice system to deal with serious and organized crime and how that will be crucial for regaining public confidence and support. Two out of some 30 such murders have been emphasised in this context: the 2004 assassination of a prominent journalist Mr Duško Jovanović, editor-in-chief of the opposition daily *Dan* and the 2005 assassination of a senior police investigator Mr Slavoljub Šćekić, Head of Department for the Suppression of General Crime. Neither of two cases ended up with a satisfactory conclusion in court. The success and credibility of Montenegro

6 Out of that 39.6% of citizens believe that organized crime is a very big problem, in addition to 45.9% of citizens who find it to be a problem.

7 Interestingly, this is much worse than the general trust in police efficiency which stands at 64.1% and even more so than the 68.2% of citizens who trust the police service as an institution.

8 Such connections of the notorious Šarić organized crime group became publically known after the international police operation coded 'Balkan Warrior', conducted jointly by the United States' Drug Enforcement Agency (DEA), Uruguayan police and Serbia's intelligence (Security-Information Agency). Almost two tons of cocaine heading for Europe in organization of this group was seized on a boat off the coast of Uruguay. The group's leader Darko Šarić is still on the run, while a number of members, including his brother Duško Šarić, have been arrested in several countries.

9 Confirmed high profile cases from Serbia include a war crimes inductee (former chief of police in Serbia) who was arrested after spending several years in hiding under fake identity in Montenegro's coast, as well as a sport manager from Belgrade (former chief of Serbia's football association) who was living more or less openly in Montenegro while being under corruption charges in Serbia.

10 Ministry of Interior and Public Administration (29 July 2010). *Strategija za borbu protiv korupcije i organizovanog kriminala za period 2010-2014. godine* [The Strategy for the Fight against Corruption and Organized Crime 2010-2014], pp. 42—47.

11 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 84.

in the fight against organized crime will, at the end of the day, be assessed by the number of high profile convictions. In relation to this, the European Commission stated: "The judiciary still has to demonstrate its independence, accountability and efficiency in practice, particularly by producing convincing results, including final decisions on corruption and organized crime cases at all levels."¹²

2.2 Legal Context of the Fight against Serious and Organized Crime

The *Criminal Code* and *Criminal Procedure Code*, amended in 2009 represent the two most important legal tools in Montenegro's fight against organized crime. In addition to these two laws, the Ministry of Interior and Public Administration in 2010 drafted its *Strategy for the Fight against Corruption and Organized Crime 2010-2014*, which was followed by the appropriate *Action Plan for the Implementation of the Strategy for the Fight against Corruption and Organized Crime in the Period 2010-2012*. It should be added that eight Council of Europe conventions and protocols related to the fight against crime have been ratified by Montenegro since the proclamation of independence in 2006.¹³

New powers introduced by the amended **Criminal Code** have aimed to match the ever-growing sophistication of criminal activities by defining and criminalising new forms of crime, especially those related to the abuse of new technologies for criminal purposes.

Criminal organization is legally defined¹⁴ in article 401(a)6 of the Criminal Code as: *organization composed of three or more persons with an aim of committing criminal acts legally punishable by four years or more, for the purpose of acquiring illegal gain or power, if at least three of the following conditions are fulfilled:*

- 1) *That each member of a criminal organization had predefined or obviously definable task or role;*
- 2) *That the activity of a criminal organization has been planned for a longer time or for an unlimited period of time;*
- 3) *That the activity of a criminal organization is based on the application of certain rules of internal control and discipline of members;*
- 4) *That the activity of a criminal organization is planned and implemented internationally;*
- 5) *That the activity of a criminal organization includes violence or intimidation or that there is a readiness for applying them;*
- 6) *That the activity of a criminal organization includes the use of economic or business structures;*
- 7) *That the activity of a criminal organization includes the use of money laundering or laundering of illegal gains; or*
- 8) *That there is an influence of a criminal organization or its part on political authorities, media, legislative, executive or judicial branches of government or on other important social or economic factors.*

Organized crime is also accordingly legally defined in article 22 of the Criminal Procedure Code.

¹² European Commission. *Montenegro 2011 Progress Report*, p. 12.

¹³ These eight come on top of nine Council of Europe conventions and protocols succeeded from the Federal Republic of Yugoslavia and/or Serbia-Montenegro. Montenegro is also a party in 11 United Nations conventions and protocols related to the fight against crime.

¹⁴ This definition of organized crime stems out of the internationally recognised definition engraved in Article 2 of the United Nations Convention against Transnational Organized Crime (The Palermo Convention): "An organized criminal group is a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences, in order to obtain, directly or indirectly, a financial or other material benefit." Serious crime is defined in the same place as "conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". Montenegro's definition of organized crime is also in accordance with the European Commission's Framework Decision on Organized Crime 2008/841/JHA.

Changes introduced into the **Criminal Procedure Code** brought in radical new powers which can also be instrumental in the fight against organized crime. Summarised in the words of the European Commission's 2011 annual assessment of Montenegro's progress towards the European Union, the changes of the Criminal Procedures Code "established a prosecutor-led investigation model, extended the use of special investigative measures, introduced the reverse burden of proof for property of suspicious legal origin and extended confiscation of criminal assets."¹⁵

The main procedural novelty is the introduction of prosecution-led investigations, which entirely changes the nature of criminal investigation. It was introduced to facilitate investigations pertaining to cases of organized crime and corruption in August 2010, while its implementation in all other types of investigation is scheduled to begin in August 2011. This legislation made redundant the position of investigative judges, which had previously been in charge of leading the investigation. The qualitative difference is that a case is now being built by the prosecution, whereas previously a case would have been brought in front of an investigating judge. The judiciary, however, does maintain its role in the process of criminal investigation through the newly created position of judges-for-investigation, tasked with approving or disapproving the implementation of measures related to human rights – detention¹⁶, search of premises and the use of special investigating means (e.g. secret surveillance)¹⁷.

Another legal instrument introduced into the Criminal Procedures Code is the introduction of plea bargaining by a clause on confession and acknowledgement of guilt. Prosecutors can now 'negotiate' with suspects for diminished prison sentences in exchange for admissions of guilt. This legal novelty saves time and other resources for investigation and trial, which can be rather complicated and costly in many cases. The use of this clause started in May 2010.

The extended use of special investigative measures provides more opportunities to prosecution and police to gather evidence in organized crime investigations. They are legally defined as the covert following of persons and objects and the use of technical (e.g. audiovisual) recording. The use of special investigative measures is ordered by a court on a prosecutor's request. It has previously been limited to the investigation of organized crime and criminal acts that may bring prison sentence of ten or more years. In the amended Criminal Procedures Code there is an extended list of criminal acts for which special investigative measures can be applied. Among these there is a possibility to present accidentally-made audiovisual recording (e.g. by a security camera) as evidence to the court, but only in concurrence with other evidence.

Other important powers introduced by the amended Criminal Procedures Code include the introduction of the reverse burden of proof for the ownership of the property of suspicious legal origin and the extended confiscation of criminal assets. These are fully in line with Recommendation 29 from a previous OSCE police reform report¹⁸: "The fight against serious and organized crime should entail introducing two major novelties into Montenegrin legislation: shifting the burden of proof to suspects in cases of identifying the origin of assets and the seizure of criminal assets."

The reverse burden of proof for the ownership of the property of suspicious legal origin has been introduced into legislation in many liberal jurisdictions due to the complex nature of organized crime investigations. It brings certain controversies due to human rights concerns, but the careful use does effectively target individuals who are not able to prove the legitimate sources of their income and property. For instance, individuals that have no regular job but live in luxurious houses, drive expensive vehicles and spend large amounts of money are obvious targets for suspicion and eventually criminal investigation. A convict's inability to demonstrate the legitimate origin of their property provides an easier basis for the seizure of illegally gained property and for direct or indirect compensation of losses inflicted to society by organized crime.

15 European Commission. *Montenegro 2011 Progress Report*. p. 62.

16 Detention can maximally last six months. It is usually requested for a period of one month and renewed month-by-month according to the decision of a judge-for-investigation.

17 Judges-for-investigation can order the application of secret investigating means in criminal investigation, while the use of such means in the matters of state security can be approved only by the President of the Supreme Court. The latter are being applied primarily by the National Security Agency, Montenegro's only intelligence and counter-intelligence authority.

18 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 161. It is also numbered as Recommendation 5 in the report's chapter *The Fight against Serious and Organized Crime* (Ibid. p. 94).

In the area of the seizure of property gained through criminal activities, the amended Criminal Procedure Code also extended the possibility of confiscating illegally gained assets from the offender's family members who have not been subject to investigation, as long as it can be proven that these assets have indeed been gained illegally. This poses a great challenge and it can be expected that in most cases it will be very difficult for prosecution and their police investigators to prove the criminal origin of the property belonging to a convict's family.

Serious concerns of police officers about the capability of prosecution to run criminal investigations, as well as about some other aspects of the updated Criminal Procedure Code, have been recorded in 2010 by a survey commissioned by the OSCE Mission to Montenegro. The findings were reinforced during the research for this report:

All interviews with CID¹⁹ personnel were dominated by concerns regarding upcoming legislation that promised to radically alter the nature of the police relationship to state prosecutor's office. All CID (and all police generally) were deeply dissatisfied with the legislation. This perception relates to aspects of criminal procedure legislation that aims to pass legal authority to the prosecutor's office for the interrogation of suspects. There are a number of aspects that cause police to be unhappy. Firstly, the amount of time between arrest and charging a suspect has been limited to twelve hours. Police say that this is not enough time. It would appear that police are used to spending more time on interrogating suspects that had no/limited access to legal representation. Moreover, the prosecutor's office will be the main authority during investigations and that police will need to defer to the prosecutor's office. According to some at interview, the prosecutors' offices are not prepared for such a role and insufficient thought has gone into the legislation. Interviewees wondered if the prosecutor would be permanently in the police building. They questioned whether the prosecutor would be adequately knowledgeable to cooperate with police. Some believed that the prosecutor's office could only be distantly involved and that all cases would be treated as exceptional, and thus would progress with limited 'interference'. The perception might be framed in terms of a general anxiety that police autonomy in criminal investigations would be diluted by the presence of a prosecutor. His or her potential as an agent of internal oversight would provide suspects with legal rights that might make investigations more difficult to pursue. Primarily, although not stated at any interview, it would seem that a traditional reliance on interrogation and confession was being challenged by a more technical and procedural approach that required more resources and training than CID currently possesses. Interviewees were sceptical of the reform and most believed it to be, at worst unfeasible and at best, rather superficial.²⁰

Some of those concerns—such as the level of ability of prosecutors to interview suspects—are certainly legitimate and need to be addressed by assessing their capacities and potentially organising adequate training. Some other—such as “a general anxiety that police autonomy in criminal investigations would be diluted by the presence of a prosecutor”²¹—will require police to understand the new structure of criminal investigation and adapt to it. When it comes to the concern about limiting the time between arresting a suspect and bringing them to a prosecutor to 12 hours, it is directly interfering with the human rights of suspects and therefore requires police to simply overcome their concerns and adjust their activities and investigation techniques to a higher standard engraved in the new legal framework.

The changes in the Criminal Procedure Code do pose some legitimate concerns over certain technical issues that need to be addressed, such as the issue of facilities for detention which is now being placed under the prosecutorial jurisdiction or the facilities for the prosecutorial interrogation of suspects. Prosecutorial premises are seldom equipped with such facilities²² and the existing police facilities need to be used. Another technical issue is whether prosecutors should be permanently present on police premises.

19 N.B. The abbreviation 'CID' stands for 'Criminal Investigation Directorate', which is the previous name of the Police Administration's Criminal Investigation Sector.

20 Ryan, Barry J. (2010) *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010*. Podgorica: OSCE Mission to Montenegro. pp. 21—22.

21 Ibid. p. 22.

22 With the exception of a specially equipped interrogation room at the premises of the Office of the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes.

es. Such technical issues should, however, not be a problem and they can easily be regulated through an agreement between the Police Administration and the General Prosecutor's Office, or more specifically between the Police Administration and the Office of the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes. Concerns about the readiness of the judiciary and prosecution have also been voiced by the European Union.

2.3 Strategy for the Fight against Corruption and Organized Crime 2010-2014

Another important step was made in 2010 by the adoption of the *Strategy for the Fight against Corruption and Organized Crime 2010-2014* and the subsequent *Action Plan for the Implementation of the Strategy for the Fight against Corruption and Organized Crime in the Period 2010-2012*.

The organized crime part of the Strategy is divided into six chapters: (1) *Definition of Organized Crime*, (2) *The Analysis of the Situation*, (3) *The Most Common Forms*, (4) *Prevention*, (5) *Co-operation between State Authorities*, and (6) *Regional and International Co-operation*. The report includes legal definitions of organized crime²³, and contains a brief overview of main issues²⁴ related to organized crime in Montenegro. The mapping of organized crime in Montenegro and in the region (as well as the implications of regional organized crime on Montenegro) have been stated as goals – the former being finalised in October 2011 and the latter is due to be finalised during the first half of 2012. Six areas of organized crime activities have been identified as the most common²⁵: intoxicating drugs, illegal migration and trafficking in human beings, smuggling of motor vehicles, money laundering, high-tech (computer) crime and smuggling of excess goods. The Action Plan aims for to map out improvements in financial investigation; relevant authorities' capacities (administrative, space and technical); operational-tactical and criminal intelligence methods; data gathering and analysis and statistics; and material status (i.e. salaries and benefits) of police officers working on suppressing organized crime. A chapter devoted to *Prevention*²⁶ outlines the role of civil society and media in the prevention of organized crime. It also focuses on anti-corruption by detailing (mostly pedagogical) measures to ensure the integrity of the members of public administration (judges, prosecutors, police officers and all other public servants). The report additionally dedicates space to interagency co-operation, primarily relating to the work of the Joint Investigative Team.²⁷ Finally, a chapter on regional and international co-operation²⁸ is dedicated to Montenegro's international responsibilities and its participation in relevant international organizations. Three goals conclude this chapter: continuous implementation of international standards in suppressing organized crime; efficient regional and international co-operation in joint investigations and the improvement of direct police and judiciary contact in the region and elsewhere abroad.

The organized crime part of the Action Plan²⁹ has five chapters: (1) *The Analysis of the Situation*, (2) *The Most Common Forms*, (3) *Prevention*, (4) *Co-operation between State Authorities* and (5) *Regional and International Co-operation*. A total of 43 concrete measures have been envisaged in this part of the Action Plan. Their implementation is being regularly monitored by a prominent watchdog organization Network for the Affirmation of the NGO Sector (MANS). Table 1 shows the statistical overview of the implementation of Action Plan measures from the MANS's 15th report³⁰ (situation as of October 2011):

23 Ministry of Interior and Public Administration (29 July 2010). *Strategija za borbu protiv korupcije i organizovanog kriminala za period 2010-2014. godine* [*The Strategy for the Fight against Corruption and Organized Crime 2010-2014*], pp. 39—40.

24 Ibid. pp.41—42.

25 Ibid. pp. 42—47.

26 Ibid. pp. 47—48.

27 Ibid. p. 48.

28 Ibid. pp.48—50.

29 Ministry of Interior and Public Administration (29 July 2010). *Akcionni plan za sprovođenje strategije borbe protiv korupcije i organizovanog kriminala za period 2010-2012.godine* [*The Action Plan for the Implementation of the Strategy for the Fight against Corruption and Organized Crime in the Period 2010-2012*], pp. 20—23.

30 This is the organized crime part of the table from: Čalović, V., Maraš, V. and Drinčić, S. (October 2011) *XV izvještaj o realizaciji akcionog plana za sprovođenje mjera za borbu protiv korupcije i organizovanog kriminala* [*15th Report on the Implementation of the Action Plan for the Implementation of Measures for the Fight against Corruption and Organized Crime*]. Podgorica: MANS, pp. 41—42.

Table 1: The organized crime part of the table from MANS's 15th Report on the Implementation of the Action Plan for the Implementation of Measures for the Fight against Corruption and Organized Crime

Action Plan Chapters	Action Plan Measures						
	Implemented		Partly implemented		Not implemented		Total
	No.	%	No.	%	No.	%	No.
The Analysis of the Situation	0	0%	2	50%	2	50%	4
The Most Common Forms	1	5%	14	74%	4	21%	19
Prevention	3	33%	3	33%	3	33%	9
Co-operation between State Authorities	0	0%	1	50%	1	50%	2
Regional and International Co-operation	4	44%	2	22%	3	33%	9
TOTAL	8	19%	22	51%	13	30%	43

2.4 Methods and Capacities for the Fight against Serious and Organized Crime

The significance of introduction and development of new, modern crime fighting methods and techniques has been strongly emphasised in a previous OSCE report on police reform in Montenegro³¹. Six areas that need to be singled out as especially important are: *criminal intelligence, special investigative means, undercover investigation, informants handling, witness protection and forensics*.

Criminal intelligence refers to the intelligence cycle, a means by which information is collected and subsequently evaluated, collated, analysed and disseminated in an effort to anticipate, prevent or monitor criminal activity. In a previous report on police reform in Montenegro, the OSCE assessed that criminal intelligence practically did not exist. Even such a concept was entirely new and the police resources were very scarce.

It has been noted by the OSCE that in the previous years “[s]ome specialised training has been provided through different international initiatives, but a coherent training programme has yet to emerge³², which occurred under a co-operation project with the Swedish National Police Board and which should continue in an EU-funded twinning project with Austria. Apart from training in the use of technical tools, police officers require training in methods of information gathering and their subsequent management and analysis.

The central criminal intelligence system needs to be classified in order to protect sources and investigations, while ensuring the individual’s right to privacy. It must also provide a structure that will enable the Personal Data Protection Agency to control access to intelligence. It is not the backbone of criminal investigation, but it needs to be a tool for the intelligence unit for intelligence-led work in all areas of policing, not only in the fight against crime. It will also need to be a tool for identifying strategic challenges and trends, as well as for producing crime threat assessments. Strategic and operational analysis of gathered information will also be quite important in areas such as traffic safety or community policing. It is essential that all police units are both the beneficiaries of, and contributors to, the central criminal intelligence system. This will require that all police officers receive training for using the system, accord-

31 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 87.

32 Ibid. p. 88.

ing to their levels of access. Different levels have already been designed and integrated into software which has been described by interviewees as simple to use. Safeguards have also been developed to protect various levels of sensitivity of gathered and processed information. Every police officer will have a personalised key for entering the system and every login will be recorded, as well as any change of data.

After a long search for the appropriate model, it has been decided to build Montenegro's central criminal intelligence system around a Scandinavian model. It has been designed and established with the help of the Swedish National Police Board, whose system and methodology have been adapted to Montenegrin conditions. Pilot-projects have been launched at the HQ-level and in two Regional Police Units (Bar and Budva) and the whole system should be operational throughout the Police Administration in 2012.

Since organized crime activities are planned and conducted in closed and secretive groups, classical police investigative means are often not good enough and therefore **special investigative means** need to be applied. These include intercepting communications and the flow of money and other goods, surveillance of suspects (by audio-visual equipment and by following their movement) and engaging covert investigators.

Police were provided with a legal basis for the use special investigative means in amendments made in 2004 to the Criminal Procedure Code. This has been widened by the amendments passed in 2009. The previous OSCE report on police reform recorded serious lacking of technical and human capacity in the Police Administration's ability to apply them. It also recorded an overdependence by the Police Administration on the surveillance capacities of the National Security Agency (ANB), Montenegro's intelligence authority³³. These capacities increased significantly during this reporting period – surveillance equipment has been obtained and a lot of effort has been invested in adequate training. These capacities are now located partly at the Department for the Fight against Organized Crime and Corruption and partly at the Special Verifications Department (both are within the Police Administration's Criminal Investigation Sector).

The use of special investigative means poses certain ethical, legal and human rights concerns, often controversial even in consolidated democracies. The judicial practice demonstrates that both the police and prosecution very often resort to the use of special investigative means³⁴, while neglecting other, more normal methods of investigation. This will require a much stricter regime for sanctioning the use of special investigative means. It has moreover been noted in a previous OSCE report that Montenegro did not have an independent supervisory authority dealing with the protection of personal data.³⁵ This situation has changed in the meantime with the establishment of the Personal Data Protection Agency. This authority, however, does not conduct unannounced *ad hoc* reviews of orders for interception, nor does it oversee the protection of data obtained through the use of special investigative means (dissemination, disclosure, copying, storage and destruction of intercepted material), so the oversight mechanisms are yet to be established.

Undercover investigative work may be a powerful method for investigating organized crime and obtaining credible evidence about it. The preparations for the establishment of an entirely new Undercover Investigation Unit started in 2008 and it was formally established in late-2011, while it is still being manned. This process gathered some international support, particularly from the United States. Despite large expectations, this method of policing is still quite underdeveloped in Montenegro. The size of the country and its population hinder the effective use of covert investigators, as it is not easy to hide one's identity. Undercover investigators are therefore under huge personal security risk, even higher than in larger societies in which this type of work also poses quite a serious risk for police officers who do it.

33 Ibid. p. 91.

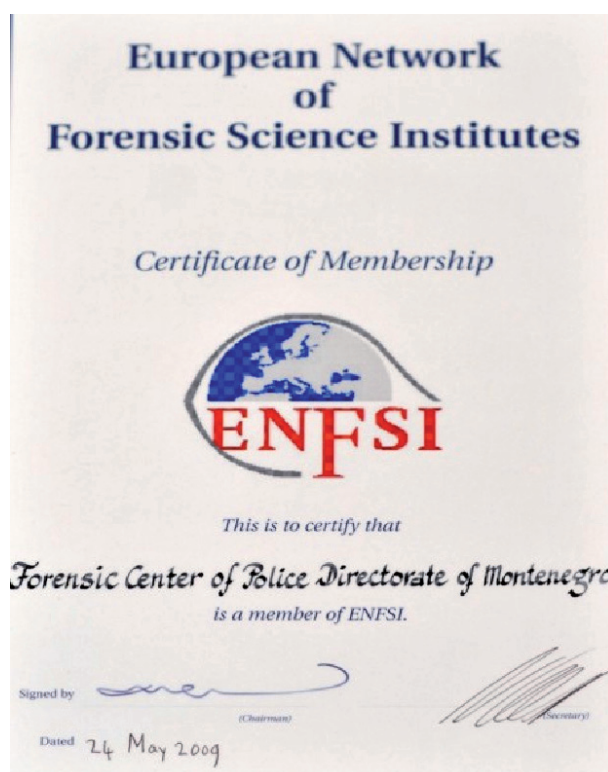
34 This is the consequence of the previously explained widening of the basis for the use of special investigative means, as stipulated by the 2009 amending to the Criminal Procedure Code. While it was previously limited to investigation of organized crime and criminal acts that may bring prison sentence of ten or more years, now there is a whole list of criminal acts for investigation of which special investigative means can be applied.

35 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 91.

For that reason co-operation in this field has recently been initiated with neighbouring police services and some service from EU member states. On top of this, undercover investigative work suffers from a serious lack of adequate legislative and procedural support. The time for applying undercover work on one investigation is legally limited to seven months, while in other countries the time allowed for undercover investigation on one case may be two years or even unlimited. Other authorities are not legally obliged to issue alternative documents (ID cards, passports, medical IDs, banking cards, etc.) to undercover investigators upon a request of Police Administration. There is also no basis for simulating a legal action (such as establishing a company), nor for simulated selling of goods with a purpose of establishing an undercover investigator's credibility among the suspected organized criminals under investigation, only for buying. The Criminal Investigation Sector therefore proposed several initiatives for changing the Criminal Procedure Code and for introducing bylaws for regulating procedures in this new area of policing.

Informants handling is a very important tool for gathering criminal intelligence and other information on criminal activities. The informants handling system in Montenegrin policing is rather poor and it is seldom used in criminal investigation. There are very few regular informants and the police currently have few means for developing the network. This area has recently been regulated by the *Guidelines for Informants Handling*. Police investigators also do not have financial means for paying for information that leads to prosecutions, while other legal means for compensating the informants are also limited. Several training sessions have been delivered by police officers from more developed services, but this requires substantial legislative, procedural and resource improvements.

Forensics is a key area for gathering credible evidence for building the cases in front of the court. The state-of-the-art Forensic Centre located in the town of Danilovgrad near the capital grew out of the rather poorly equipped Criminal Technical Centre previously located in Podgorica. It reports directly to the Police Director and is the only institution in Montenegro that conducts all kinds of forensic research, except medical and psychiatric forensics. The Forensic Centre developed significantly in recent years and a range of interviewees from various authorities and different levels expressed great satisfaction about the quality of evidence delivered by the Forensic Centre and about the way it improved policing in Montenegro. Such development has largely been promoted through foreign donations and the OSCE can take pride in the fact that it has been a catalyst for gathering and focusing them. Prior to these developments, more sophisticated traces needed to be taken elsewhere for forensic analyses—to Belgrade (for DNA analyses), Ljubljana (for analyses of traces of fire) or Wiesbaden (for ballistic analyses)—which consumed a lot of time. The progress in this area has also been internationally verified in 2009 when the Forensic Centre joined the European Network of Forensic Science Institutes (ENFSI).



The 42 employees of the Forensic Centre are divided into 11 groups according to different expert tasks they perform. Their professional and educational profile naturally differs significantly from other parts of Police Administration. Their salaries, however, do not differ proportionally, which poses a threat of 'brain drain' to the private sector. At the moment, the motive for forensic experts to keep working at the Centre is the equipment and the possibility to professionally develop and learn which does not exist elsewhere in Montenegro. The Forensic Centre at the moment regularly conducts analyses only upon requests from Police Administration, judiciary and prosecution. Analyses are also occasionally done on requests by the Customs Administration, whose laboratory does not match the one in Danilovgrad. The

costs of having a state-of-the-art Forensic Centre are quite high as they include purchasing and maintaining the sophisticated scientific equipment and expendable chemicals and other materials. While the international community could donate such equipment, the sustainability of the Centre may be in question in the long-term given the high costs of analyses and maintenance. It would therefore be advisable for the Government of Montenegro to consider transforming it into a forensic institute which would serve not only the Police Administration but also all other authorities that might need it. The costs of running such an institute could be moderated if it also becomes open to commercial research which could cover a good deal of the high costs.

An issue that will also require attention, as noted by Barry Ryan³⁶, is the DNA database that is being developed at the Forensic Centre. It currently stores samples only from those convicted of a crime. A special law on DNA is being drafted to regulate this area, and from a human rights perspective it is especially important to regulate two issues: the circumstances in which DNA samples might be taken from individuals and the length of time they can be stored.

In 2011 the Forensic Centre commenced conducting electronic forensic analyses (of computers, data storage, SIM cards, etc.). However, it is important to notice that only one person is working on IT forensics, while demand for the IT expertise is rather high. In this context, it is recommendable to establish a specific IT Forensic Unit, within the structure of the Forensic Centre, which will be composed of several experts working on these issues. Furthermore, it is necessary to continue developing and upgrading their skills and expertise, as well as keeping them informed on new IT programmes and techniques used in this discipline. This is in line with suggestions from the previous OSCE report on police reform in Montenegro.³⁷

Witness protection is an effective mean for ensuring convictions for organized crime activities. The Law on Witness Protection was adopted in 2004 and several pieces of secondary legislation have also been adopted in the meantime. The significance of witness protection has been noted in a previous OSCE report, but it has also been emphasised that “Montenegro cannot employ this method on its own, due to the size of the republic, strong social networks within its population and the scarcity of resources.”³⁸ Witness protection programme therefore needs co-operation with other police services, especially neighbouring ones (where police share the same or a similar language), to ensure that protected witnesses are sheltered where they could more easily integrate and where their identity may remain protected. With that aim, Montenegro signed several agreements on co-operation in the area of protecting and supporting witnesses and other participants in criminal procedures – with Bosnia-Herzegovina and Serbia in 2006, with Bulgaria in 2007 and with the Former Yugoslav Republic of Macedonia in 2009. These agreements ensure that protected witnesses can be relocated throughout the region without the use of complicated procedures. Since the creation in 2005, the police Witness Protection Unit was in charge of some 80 protected witnesses, but only one from Montenegro. The unit has six members, recruited from other police units: each has at least ten years of professional police experience and has undergone additional security vetting³⁹. The Witness Protection Unit itself does not have competences on deciding whether protection measures will be applied. The request for the use of such measures on a person come from a judge, prosecutor, Head of Police Administration’s Criminal Investigation Sector or a prison warden and are addressed to the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes. Upon approving the request, the Special Prosecutor forwards it further for final approval to the Commission for the Application of Witness Protection Programme, composed of the representatives of the Supreme Court, State Prosecutor’s Office and Witness Protection Unit. Such procedure should be simplified and the Witness Protection Unit should be given autonomy to decide on witness protection measures, except of course on the change of identity of a protected witness.

36 Ryan, Barry J. (2010) *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010*. Podgorica: OSCE Mission to Montenegro, pp. 13—14.

37 Schouten, L., Gajić, N. and Riggie, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 88.

38 Ibid. p. 91.

39 The additional checking tragically failed in a 2011 incident when a member of the Witness Protection Unit used the gun in the fight with his neighbour, first as a threat and then to kill him. The victim, Mr Aleksandar Pejović, was earlier also one of the most prominent victims of police brutality, being severely beaten in 2009 by six police officers in a detention unit after the violent demonstrations against Montenegro’s recognition of independence of Kosovo from Serbia.

2.5 Police Organization and Interagency Co-operation in the Fight against Serious and Organized Crime

Police Administration's organizational units tasked with combating crime are the Criminal Investigation Sector and Forensic Centre at the central level and territorially through the Criminal Investigation Departments within the eight Regional Police Units. The Criminal Investigation Sector is headed by the Assistant Police Director, just like other four Sectors within the Police Administration. The Sector is divided into eight departments and units at the central level:

1. General Crime Department;
2. Department for the Suppression of Economic Crime;
3. Department for the Fight against Organized Crime and Corruption;
4. Department for the Fight against Drugs and Smuggling;
5. Special Verifications Department (tasked with criminal intelligence and a part of the special investigation measures);
6. Witness Protection Unit;
7. Undercover Investigation Unit;
8. National Central Bureau of Interpol (tasked with international operational police co-operation in criminal matters).

Six of the Criminal Investigation Sector's organizational units are directly tasked with the one or another form of the fight against organized crime, while the remaining two (General Crime Department and Department for the Suppression of Economic Crime) also encounter organized crime activities in their work. This fact indeed appears to be an indicator of how high the Police Administration prioritises the fight against organized crime, but it should also mean that these units need to be well coordinated in that fight. Such organization requires developed standard operating procedures and strong leadership from the Criminal Investigation Sector.

The Criminal Investigation Departments within the eight Regional Police Units (Bar, Berane, Bijelo Polje, Budva, Herceg Novi, Nikšić, Pljevlja and Podgorica) are not part of the Police Administration's Criminal Investigation Sector, but their heads respond to the heads of Regional Police Units. In suggesting the way forward, the previous OSCE report stated that the primary area that will require a higher level of centralisation is the fight against serious and organized crime.⁴⁰ It remains OSCE's recommendation that Montenegro needs strategic, specialised, intelligence-driven, mobile capacity. This capacity would need to be able to work throughout Montenegro, and it ought to provide assistance to the Regional Police Units' Criminal Investigation Departments. Police reform in Montenegro has generally been aligned with recommendations suggested by the OSCE, but a certain degree of dissatisfaction about it has been noted in Ryan's police perception survey:

A number of interviewees spoke about their dissatisfaction with the centralized approach to organized crime, claiming that it left them with insufficient manpower. It was explained that in order to tackle organized crime, trained investigators were required at the level of the field office. This opinion was manifested in a general dissatisfaction with way resources are deployed by the centre. A problem that emerged in the OSCE 2006 survey, ineffective resource distribution, appeared numerous times during the research. It was summed up by one member of CID who complained that urban sites with high levels of organized crime activity are not receiving adequate resources. The call was for a strategy that decentralized CID activities.⁴¹

40 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 92.

41 Ryan, Barry J. (2010) *An OSCE Mission to Montenegro Report on Police Perceptions and Police Reform in Montenegro 2010*. Podgorica: OSCE Mission to Montenegro, p. 21.

In calling for the consolidation of resources dedicated to the fight against organized crime, the previous OSCE report suggested that it should primarily be done through a functional centralisation and in the second place the organizational one. It has been clearly recommended by the OSCE that simultaneously “police reform also needs to entail delegating more decision-making powers to individual investigators and investigating teams to maximise their flexibility and effectiveness”.⁴² One does not deliver effective results without the other and functional centralisation can be effective if simultaneously individual investigators and investigating teams are delegated with a substantial degree of professional autonomy.

It has been emphasised in the previous OSCE report on police reform in Montenegro that in developing new policing methods and techniques for the fight against crime care needs to be taken to ensure their compatibility with the rest of the criminal justice system⁴³. The amended Criminal Procedure Code which introduced the prosecution-led investigation enabled the creation of the Joint Investigative Team in 2010, which has been formalised by the agreement between five relevant authorities: State Prosecutor’s Office, Police Administration, Tax Administration, Customs Administration and the Administration for the Prevention of Money Laundering and Terrorist Financing⁴⁴. The Joint Investigative Team is placed under the leadership of the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes, while other authorities may also be included if there is a need. Each of the involved four governmental Administrations has a liaison officer tasked with coordinating the Team activities within their respective jurisdictions. Team members respond primarily to the Special Prosecutor and are not allowed to share information about the Team’s activities to their authorities without the Special Prosecutor’s approval. It is envisaged as an elite unit for the fight against organized crime, but it still needs to get more consolidated internally. The communication and sharing of information between the authorities included in the Joint Investigative Team is still very much on a personal level and standard operating procedures are yet to be developed. At the level of human resources, the Team is in great need of investigators with expertise in financial crime. The establishment of the Joint Investigative Team received unanimous yet cautious support domestically and from abroad. The results are yet to be seen. As stated earlier in this chapter, Montenegro’s achievements and progress in the fight against organized crime will be assessed both internally and internationally by the number of high profile convictions. This should not be another case of something legally adopted with great ease, but a failure when being implemented.

2.6 International Co-operation in the Fight against Serious and Organized Crime

International police co-operation is of extreme importance for Montenegro, as an estimated 80% of its organized crime has some international aspect. The status of independence greatly affected Montenegro’s international police co-operation. While Montenegrin police did act quite independently in the last years of union with Serbia, the new status enabled Police Administration to formalise its international activities. Only months after independence in 2006, Montenegro was admitted as the newest member of Interpol at its annual assembly in Rio de Janeiro, which enabled the Police Administration to establish its own National Central Bureau of Interpol. Montenegro entered into a number of international arrangements and signed and ratified a number of international conventions and protocols that are directed against organized crime, in addition to those inherited from the union with Serbia.. It is especially noteworthy that Montenegro joined the Police Co-operation Convention for Southeast Europe (The Vienna Convention) which regulates police co-operation among the countries of the western Balkans. Several countries have police and other law enforcement attachés in Montenegro, while Montenegro has its one police attaché at the SECI Centre in Bucharest.

The fight against organized crime is an issue of highest priority in the context of Montenegro’s EU integration. The European Union recognised organized crime is as one of the five priorities of its first security

42 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 92.

43 Ibid. p. 87.

44 The Administration for the Prevention of Money Laundering and Terrorist Financing is Montenegro’s financial intelligence unit (FIU).

strategy⁴⁵; and the EU recognises organized crime as one of the key obstacles for the full membership of Montenegro. The conclusion of chapter 24 (Justice, Freedom and Security) the European Commission's Montenegro 2011 Progress Report⁴⁶ states the following:

Further progress has been made on strengthening the legal and institutional framework in the area of justice, freedom and security. [...] Good progress has been achieved on strengthening judicial co-operation, particularly in criminal matters. [...] Progress has been made on addressing challenges in the fight against organized crime, in particular in the form of closer international and regional co-operation. The number of related investigations and arrests, notably in the area of drugs trafficking, increased slightly. Further efforts to tackle drug trafficking are needed. Intelligence-led policing and inter-agency co-operation also need to be improved. Financial investigations in two major cases led to the temporary seizure of assets of significant amount. Yet, the overall number of financial investigations and confiscations of criminal assets remains low. Investigation and prosecution mechanisms have to be strengthened, in particular in the areas of trafficking in human beings and money laundering.

Once the accession negotiations begin, the first negotiation chapters to be opened are Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security), so that a longer track record in these areas could be followed before admitting into full membership. Montenegro will be the first ever EU candidate country in which these two chapters will be the opening ones.

2.7 Recommendations

1. The fight against organized crime should become the primary area in which the police de-politicisation is to be demonstrated. Impunity of senior political figures cannot be tolerated.
2. Due to the nature of organized crime in South-East Europe, the fight against Montenegrin organized crime cannot be fought within and by Montenegro alone and the level of regional police co-operation should be upgraded – primarily through the full implementation of mechanisms stipulated in the Police Co-operation Convention in South-East Europe (Vienna Convention), as well as through adequate regulation and resource allocation to the recently established ILECU.
3. All efforts should be invested into increased co-operation with Europol. The signing of the Operational Agreement with Europol will require the adoption of secondary legislation regulation about the protection of private data handled by police. After the signing, Montenegro should send a liaison officer to Europol HQ. Police liaison officers should also be sent to Montenegro's key partner countries.
4. Regarding the recent establishment of the Department for International Police Co-operation (which is simultaneously Montenegro's ILECU), it will be necessary to establish it fully and to receive adequate resources (including protected, limited-entry facilities), as well as standard operating procedures for international police co-operation within the Police Administration.
5. Prioritisation of the fight against organized and serious crime needs to be followed by adequate allocation of resources to all engaged authorities and their specialised units and departments. Operational co-operation between authorities engaged in the fight against organized crime (primarily through the recently established interagency Special Investigative Team) remains an imperative. It needs to be regular, regulated and binding. Appropriate autonomy should be given to police investigators assigned to work with the Special Investigative Team, while maintaining a double chain of reporting to both the Special Prosecutor and Police Director.
6. Police Administration should develop the system for regular analysing of strategic-level threats posed by serious and organized crime. Such analysing should include the regularly updated mapping of crime activities and threats. They should include identifying key persons and groups, as well

45 European Commission. *A Secure Europe in a Better World: European Security Strategy*, p. 4. (<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>)

46 European Commission. *Montenegro 2011 Progress Report*. pp. 62—65.

as related individuals and companies. The activities against organized crime should be guided by these analyses.

7. Police capacities for the fight against serious and organized crime should be consolidated and centralised into an adequately manned and equipped strategic-level, specialised, intelligence-driven and highly mobile department capable of covering all areas of serious and organized crime. This department must work in full co-operation with the Special Investigative Team.
8. Parallel to the centralisation of capacities for the fight against serious and organized crime, more flexibility and decision-making powers should be delegated to individual investigators and investigating teams.
9. Recent major legislative novelties in the fight against serious and organized crime—shifting the burden of proof to suspects in cases of identifying the origin of assets and the seizure of criminal assets—should be followed by increasing the capacities and activities in the area of financial investigation. A larger number of properly trained and equipped investigators need to be allocated to these tasks. Police Administration needs to be properly equipped for the use of computer forensics.
10. Recent establishment of a central criminal intelligence system is crucial for the success of fighting against all forms of crime. Not only the Criminal Investigation Sector, but all operational policing components, should be the system's contributors and beneficiaries. The system should have different levels of access for users and contributors. All police officers should receive training on criminal intelligence for their respective level.
11. The work of covert investigators needs to be acknowledged in relevant police legislation and in the Police Administration's Act of Systematisation and put in function as soon as possible.
12. The system of informers handling needs to be put in function as soon as possible.
13. Witness protection system needs to be improved so to become an area in which regional police co-operation is to be demonstrated.
14. The use of special investigative means and techniques needs to be improved by adequate legislation, equipment, training and oversight mechanisms. While using special investigative means and criminal intelligence, police service must uphold the law and highest human rights, ethical and professional standards.
15. High costs of running sophisticated and well-equipped forensic capacities in a small country require that the Forensic Laboratory should become Montenegro's centre for excellence in this area, which would be open to other state authorities as well as for commercial use. It should expand its expertise to the area of computer forensics.
16. The increase of capacities for the fight against serious and organized crime must not be done at expense of neglecting the fight against other forms of crime.

3. BORDER POLICING

The previous OSCE five-year police reform report assessed border policing as the fastest and most comprehensively developing area of police reform in Montenegro.¹ This assessment remains a valid one. Border policing displays the highest levels of visible progress. In fact, this report finds that it has passed the point of structural reform and has entered a phase of infrastructural and organizational modernisation. In this chapter achievement in the field of border policing will be described and analysed, while certain existing shortcomings that need to be addressed will also be highlighted.

3.1 The Reason of Success: Border Police Reform as a Political Priority

The ultimate reason for its remarkable progress is the political support that border policing reform enjoys from all stakeholders – both within Montenegro and from relevant international actors. Border policing gained its prominent position in police reform for two reasons: it served to affirm Montenegro's independence and it is one of the key areas in Montenegro's political, economic and security relations with the European Union.

Border security for over a decade has remained a high priority for the Montenegrin Government. As a policy, it possessed high symbolical significance as it represented Montenegro's capacity to independently take care of its border security. Even the name of the newly established border policing authority suggests that it was created to symbolically emphasise statehood – State Border Directorate (later renamed State Border Sector) rather than, for instance, 'Border Police Directorate' or 'Border Police Sector'. Another indicator of police prioritisation of establishment of border policing is a significant amount of national investment in building and refurbishing border crossings and accompanying equipment.

Issues related to border security in general and border policing in particular (such as migration, asylum, visa policy, fight against drugs, trafficking in human beings and customs co-operation) are being regularly monitored by the European Commission and annually reported within the as parts of chapter on *Justice, Freedom and Security* (Chapter 24) of the Commission's Progress Report on Montenegro. Progress in this area has been significantly reflected in two landmark events: in Montenegro 2009 attained a visa-free regime status with the Schengen area and in 2010 it officially achieved the status of an EU candidate country. Both these achievements testify to the progress that has been made by Montenegro in the field of border security. The achieved progress should, however, not mean that Montenegro should become complacent, as border security requires constant investment in upgrading the human, organizational and technical capacities. In the following section, key achievements will be briefly presented, as well as key challenges regarding adoption of modern border policing methods and building capacity for integration into the EU Schengen Area.

3.2 Border Police Development and Current Organization

Within Yugoslavia, Montenegro had a 207.2km-long international (land and lake) borderline with Albania, with two infrequently used border crossing points (one road and one railway); a short Adriatic coastline with one international seaport and 93km-long open sea border; and two international airports. The Secretariat (now the Ministry) of Interior of the then-Socialist Republic of Montenegro had two border-related tasks: checking passengers at five border crossing points and monitoring foreigners in the republic. The air and sea border crossing points were usually quite busy during the tourist season in summers and much less so throughout the rest of the year. Today, Montenegro has 28 border crossing points: 21 on land (19 road and two railway), five seaports and two airports (see table 1 below).

1 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 96.

2 This number was not constant in this period, but was increasing from year to year.

Table 1. The growth of number of border crossing points in last two decades					
Type of border crossing points		Montenegro within Socialist Yugoslavia (before 1992)	Montenegro in Union with Serbia (1992-2006)	Independent Montenegro (after 2006)	
Land	Road	1	13	19	
	Railway	1	1	2	
Sea		1	5	5	
Air		2	2	2	
Total number of border crossing points		5	21 ²	28	

A decision taken by the Montenegrin Government in 2001 led to the Ministry of Interior taking over responsibility for the Republic's international borders (then with Albania, Bosnia-Herzegovina and Croatia) from the Ministry of Defence of the Federal Republic of Yugoslavia. The State Border Directorate (today's State Border Sector within the Police Administration) was established in 2003 as a separate border policing organizational unit within the Ministry of Interior to perform the tasks listed in table 2 below. The handover process was finalised by the end of that year. Neither federal authorities nor Serbia posed any objections to this process because border security demilitarisation was a primary EU and Schengen prerequisite. The same process has simultaneously been undertaken in Serbia.

Table 2. Tasks of the Border Police Sector:

- securing the state border;
- control of crossing the state border at border crossing points;
- prevention of migration of people and traffic of goods on green and blue border outside of border crossing points;
- prevention of all forms of cross-border crime;
- prevention of international terrorism;
- conducting operational police measures with an aim of detecting the perpetrators of crime and misdemeanour in the areas of border and foreigners;
- issuing visas and conducting the asylum related procedures;
- participation in organising and conducting search and rescue operations on sea and preventions and detection of sea pollution;
- control of legality of stay and movement of foreign nationals;
- conducting preventive and repressive measures towards foreigners;
- control of construction close to border;
- partial technical checking of vehicles and control and regulation of traffic in border crossing points;
- providing needed information related to legally proscribed conditions on crossing the state border;

- co-operation and sharing of information with other security services in areas important for suppression and detection of all forms of cross-border organized crime.

Source: Police Administration of Montenegro, http://www.upravapolicije.com/crna-gora-up-rava-policije-sektor-granicne-policije_1480_3_25.html (Accessed 11 August 2011)

Montenegrin Police Administration's State Border Sector currently has 1312 employees. They are working in four HQ Departments and eight Regional Centres. The HQ Departments are:

1. Department for the Control of Crossing the State Border – tasked with control of traffic through 28 border crossing points³,
2. Department for State Border Surveillance – tasked with the surveillance of green and blue borders⁴,
3. Department for Foreigners and Suppression of Illegal Migration – tasked with control of foreigners in Montenegro and with fighting illegal migration, and
4. Operations Department – tasked with risk assessment and criminal intelligence.

Until 2007 there were only two units of that level: one tasked with borderline surveillance and another with border crossing points and foreigners. A reform which succeeded in creating a separate Department for Foreigners and Suppression of Illegal Migration in the period covered by this OSCE report is commendable. Moreover the establishment of the Operations Department was the first step in filling the gap identified in the previous OSCE police reform report for Montenegro⁵ that the Border Police Sector lacked its own investigative or criminal intelligence capacity.

3 This is the longest existing border-related task performed by the police. Before the establishment of separate border police capacities, the Ministry of Interior's border policing capacities were placed within the Department for Border Issues and Aliens, which was a part of the uniformed police. Once the State Border Directorate was established, this Department was transferred into it and re-titled Sector for Border Issues and Aliens. Today's Department for the Control of Crossing the State Border is the successor of this organizational unit.

4 'Green border' is a technical term for a land border, while 'blue border' refers to border on water. The latter task is performed on the Adriatic Sea and Skadar Lake by the Maritime Police Centre (*ispostava*).

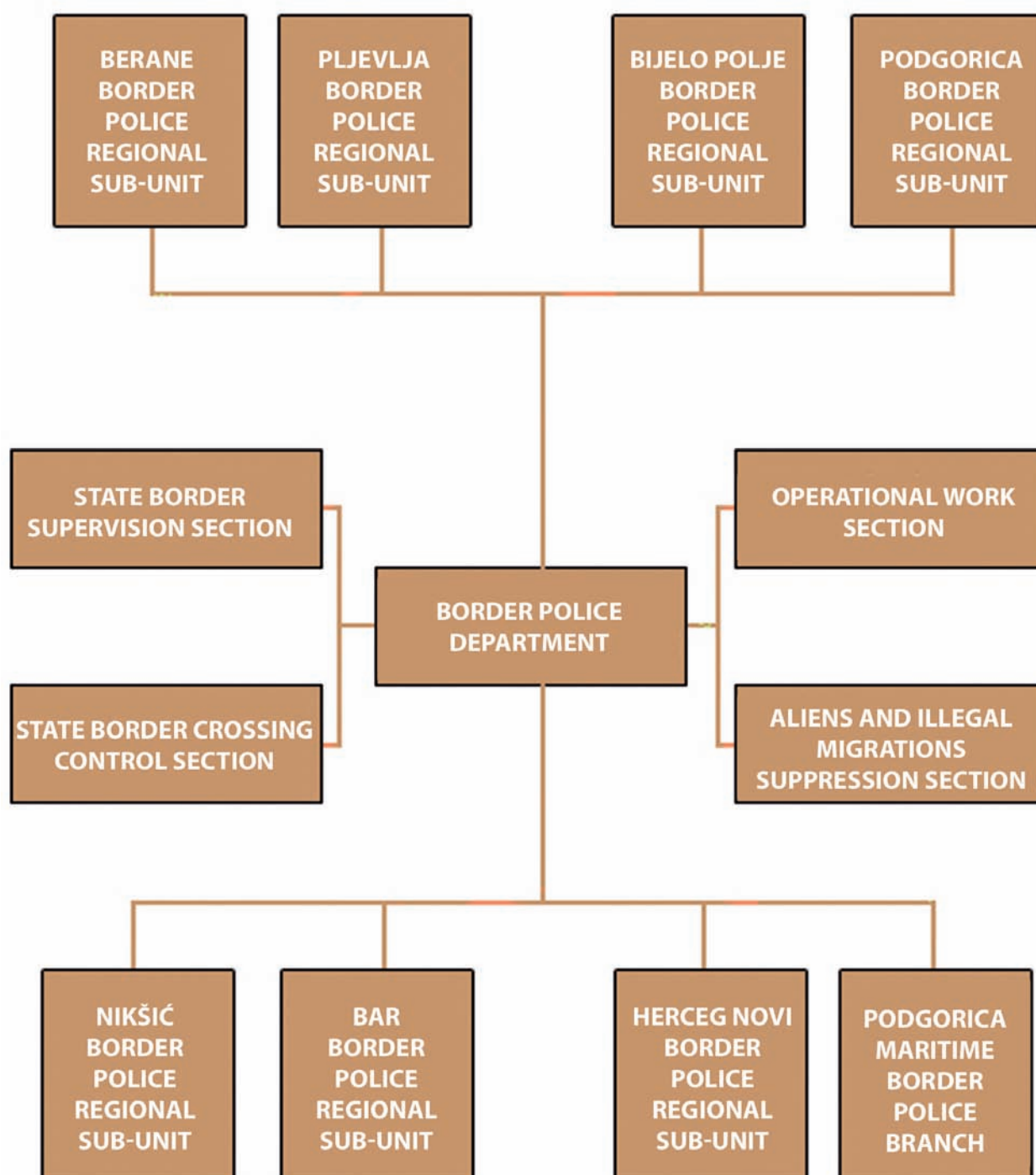
5 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 99.



Map of border crossings (Source: The Government of Montenegro: The report on implementation of the Action Plan for IBM Strategy in 2010 and the proposal of priorities for 2011, Annex).

The State Border Sector is territorially divided into eight Regional Centres (*ispostava*) – seven in charge of border crossing points on their respective territories, as well as for the green border (Bar, Berane, Bijelo Polje, Herceg Novi, Nikšić, Pljevlja and Podgorica) and one in charge of blue border (Maritime Police Centre). They are further subdivided into 16 Sub-Regional Centres (*ekspozitura*) and 32 Security Sectors. This territorial organization of seven green border Regional Centres replaced the earlier, rather complicated, system of 14 green border police stations in seven regions. Each policing region had a separate station tasked for border crossing points and another for border surveillance. This structure has been made more efficient in 2006 when 14 green border police stations were merged into seven green border Regional Centres. Not only did this merger simplify border policing in organizational terms, it also enabled a significant improvement of the use of border policing officers. All are nowadays trained for both patrolling the green border and manning border crossing points. This has been an excellent move in terms of a much more flexible use of border police human resources. It also serves as an anti-corruption measure, as individual officers do not know which duty they will perform before the beginning of their shift. This makes potential agreements with smugglers more difficult.

Organization of the Border Police Sector



3.3 Human Resources Capacity

Many members of the State Border Sector staff came from the paramilitary Special Police Unit (PJP) which numbered some 2000 members a decade ago. None were directly recruited from the ranks of the previous army border guards, while a small number of Federal Navy officers joined the Maritime Police Unit. However, quite a number of PJP members did come with substantial military experience as many had previously served as professional soldiers (a number are veterans of the 1990s Yugoslav War). Consequently the previous OSCE police reform report noted that 40% of border police officers did not have the basic police training.⁶ This has changed significantly since and by the end of 2010 only 7% of border

6 Ibid. p. 98.

police officers (90 officers) had not received police basic training. It is planned that by the end of 2011 all border police officers will have completed *The Course of Supplementary Basic Police Training for Border Police*, which has been specially designed for in-service border police officers without police training. In order to ensure consistency of implementing rules and policies in border police, Police Academy should develop a basic training curriculum for border police which will be rolled out for new employees after completion of basic police training. In order to keep border police staff informed of new legislative and technological developments a 'refreshment course' should be developed and made obligatory to take once a year. The refreshment course could be provided in the field, where officers are located.

A third of border police officers do not have stable and secure employment, but are working on annually renewable work contracts with Police Administration. This constitutes the main human resources issue faced by the Border Police Sector along with the training. This is due to the fact that the Montenegrin police is over-staffed and there is a fear that it will be left with a significant surplus of border police officers, if Montenegro and its neighbours simultaneously join the EU. The interviews suggested that this causes uncertainty amongst the workforce who fear potentially arbitrary decisions by managers within the Border Police Sector. The instability of posts has also contributed to frequent staff rotation within border police that should be avoided in the future.⁷

As it is highlighted in the 2010 EC analytical report 'human resources allocated are sufficient but training needs to be further improved, as a means to ensure consistency in implementing policies and rules'.⁸ While Police Administration invested most in provision of basic training for border police officers, international donations mostly provided support for a variety of specialised training courses for border police staff. The examples of provided in-service and specialised training for border police are: identifying counterfeit and forged documents, illegal migrants, drug identification course etc. Our research indicates that police deployed at border crossing points need more training in modern policing skills, such as intelligence-led policing and modern border policing methods (e.g. profiling). The possibility of discovering and handling the victims of human trafficking requires training of all border police officers in anti-trafficking and human rights. This is in line with priorities set in Stockholm Programme, the EU five-year strategic framework for Area of Freedom, Security and Justice which envisages close co-operation between border police and asylum authorities in order to provide protection to those persons entitled to benefit from them, and especially people and groups that are in vulnerable situations, such as unaccompanied minors. The fact that corruption is very often linked to border activities requires training aimed at increasing police accountability.⁹ Familiarity with the basics of foreign languages spoken by tourists is also vital. Four-month English and Albanian language courses for twenty border police officers have been provided by the OSCE, but much more still needs to be done. Future development of specialised and advanced training for experienced border police staff should be streamlined by the Montenegrin Border police based on in-depth training needs analysis and strategic planning in order to follow closely priority areas for accession to the EU and Schengen such as: intelligence-led border policing, human-trafficking, personal data protection, cross-border police co-operation and investigation. A good example of such practice is found in the development of three-phased training plan for introducing risk-analysis in border police. The training will target until the end of 2012: in the first cycle mid-management in the HQ, in the second regional level and in the third local managers.¹⁰ The opportunities for joint operational training with EU member states or for joining a newly envisaged "Erasmus" type programme for border guards should be sought. This would enable participating officers to become more familiar with the European culture of border policing.

Without doubt, the requirements of harmonising with EU and Schengen requirements have been a driving force in the growth of the Montenegrin border security system. However, it is anticipated that once Montenegro enters the Schengen Agreement (and is surrounded by other Schengen members)

7 Commission Staff Working Document Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council Commission opinion on Montenegro's Application for membership of the EU {COM(2010) 670}, p.103.

8 Ibid.

9 This is of course insufficient without an effective and proactive internal oversight. Two areas on which it should focus are corruption and harassment.

10 The Ministry of Foreign Affairs and European Integration: *The Fifth Report on Implementation of Action Plan for Monitoring Implementation of Recommendations given in the EC's Opinion* from 28 July 2011, p. 153.

this growth will have to be checked. In fact, Montenegro will have to drastically reduce the number of border police officers and consolidate its border infrastructure. This is already happening to other new members of the Schengen area (e.g. Slovenia). Now is the time to start planning for the consequences of this stage in the development of border policing.

3.4 Border infrastructure and Equipment

Political will for the required massive border police development was followed by substantial investment. A tremendous amount of financial resources—deriving both from Montenegro’s budget and from international donations—have been allocated to border police reform. These investments have mainly been used for the construction of new border crossing points and modernising existing ones, as well as for equipment and training. The primary reason for international investment is Montenegro’s position on the notorious ‘Balkan route’ of illegal trafficking from Central Asia and Middle East to Central and Western Europe. The second reason is that most of Montenegro’s borders are relatively new lines drawn between former constituent republics of Yugoslavia that lacked adequate infrastructure. Countries affected by war, economic crisis and harsh transition do not have adequate resources to invest here. Most investment into the development of border policing in Montenegro came from Western European countries (mostly EU members) and from the United States, and such investments need to be paired with partnership. If western countries expect their borders to be protected in Montenegro, they should view its Border Police Sector as a partner.

Despite significant investment in border infrastructure, the EC Analytical Report¹¹ notes that further work is needed in modernisation and upgrading infrastructure both at the border crossings and for surveillance purposes. The major weakness of current border infrastructure is the fact that the border with Kosovo is not demarcated and poses a challenge in terms of crime activities. It needs to be noted that the border between Albania and Montenegro has not been maintained in a while. The major remaining work regarding reconstruction of border crossings have taken place in 2011 with a reconstruction of Dobrakovo and Dračenovac.¹² As the main reconstruction work is completed in these two border crossings, available resources could be freed-up for investment in other areas.

There is still a need for an increase in financing new equipment and sophisticated systems for surveillance. While there have been some improvement in the equipment at BCPs, the availability of integrated passport readers remains limited and there are no devices for taking fingerprints.¹³ In line with the Action Plan for Implementation of EC Opinion, the Montenegrin Government plans to further enhance surveillance of border with the procurement of additional vehicles, boats and with the instalment of cameras for vehicles checks at all border crossings. With regard to surveillance of blue border, some work has been done within a project entitled, ‘Export Control and Related Border Security (EXBS) of the Ministry of Defence of the USA’. This involves establishing an electronic blue border supervision system that recognises records and monitors the movement of vessels through the operational centre of the Navigation Unit in the port of Bar.

The connection of all border crossings with Police Administration’s central IT system and Interpol database represents a major investment in IT. All 28 border crossings have been interconnected with the central IT system and provided with access to the Interpol database (MIND – Mobile Interpol Network Database) for checking persons, vehicles and documents on border crossings. Notably, Montenegro is currently the only country in the region that has this capacity. Currently, work in co-operation with General Secretariat of Interpol is being undertaken to connect all border crossings with Interpol’s FIND (Fixed Interpol Network Database) service.¹⁴

11 The Analytical Report, p. 103.

12 The Ministry of Foreign Affairs and European Integration: *The Fifth Report on Implementation of Action Plan for Monitoring Implementation of Recommendations given in the EC’s Opinion* from 28 July 2011.

13 Commission of the European Communities: *Montenegro 2009 Progress Report*, p. 46.

14 The Ministry of Foreign Affairs and European Integration: *The Fifth Report on Implementation of Action Plan for Monitoring Implementation of Recommendations given in the EC’s Opinion* from 28 July 2011 pp. 151-152.

3.5 Community-Oriented Border Policing

It needs to be noted and commended that a new and rather unique mode of policing has been introduced in Montenegro: community-oriented border policing. Since the abolition of rural police stations for budgetary reasons in 2009, many areas of Montenegro have been left without a daily police presence. Border police provide support to the Regional Police Units and have thus been instrumental in providing that presence in quite a few of those areas. Such co-operation between the Regional Police Units and border police deployed within their jurisdictions has been conceptually upgraded through the introduction of a project that delivers community-oriented border policing. There is a great need for border police officers, often deployed in remote mountainous and rural areas, to develop good relations with local population. Such community-oriented border policing increases the provision of policing services to citizenry, but it also increases public confidence in law enforcement and in turn leads to improvements in information gathering on illegal activities along border areas. Certain individual border police officers have been designated contact-policemen (community policing officers) and tasked with developing special relations with the community. Not only do they provide policing services, but they also provide citizens in border areas with other services (e.g. provision of first medical aid, transport to doctors, access to other administrative services), thus compensating for the diminished presence of all other state authorities in those areas. It is an excellent start and it will hopefully develop as a mode of policing throughout the Border Police Sector. This mode of policing was also suggested (not as a formal recommendation) in the previous OSCE report.¹⁵ Mindful of the need to increase trust with these communities, it should be added that due consideration needs to be given to the ethnic and religious composition of police units deployed to these areas. On top of that, since many border police officers are undertrained in regular policing, the success of community-oriented border policing will depend on training them to perform regular day-to-day tasks usually performed by the uniformed police.

3.6 Integrated Border Management in Montenegro

Work undertaken to introduce the EU's system of Integrated Border Management (IBM), which started at the beginning of the last decade, has been outlined in the previous OSCE report.¹⁶ IBM aims to facilitate the free movement of people and goods through borders that are secured against illegal cross-border activities. It essentially entails *intra-agency* (within the Police Administration), *interagency* (between Montenegro's relevant authorities) and *international* co-operation in border management. These three levels of co-operation require clear, legally-binding definitions and division of tasks and responsibilities; co-operation mechanisms (including information exchange at international, national and local levels); as well as interoperable technical means housed in a jointly used (if not common) infrastructure.

The Government of Montenegro adopted the IBM Strategy in 2006 and an Action Plan for its implementation in 2007. The situation was assessed in the IBM Strategy and proposals for future activities were given for all four border-related authorities (Police Administration, Customs Administration, Veterinary Inspection and Phyto-Sanitary Inspection¹⁷). Reform required changes in the legal framework, management and organization, procedures, human resources and training, IT and communications, infrastructure and equipment, and budget and timelines. The Strategy proposed co-ordination mechanisms and outlined interagency and international co-operation. The strategy also discusses the availability of resources, implementation timelines and proposes activities for a detailed Action Plan.

Eight strategic results have been targeted by the Action Plan: (1) *Legal Regulation* (in four areas: Laws and Bylaws, Internal Services Co-operation, Co-operation between Services and International Co-operation), (2) Management and Organization, (3) Procedures, (4) Personnel and Training, (5) Infrastructure, (6) Communication and IT Systems, (7) Technical Means and (8) Budget. The content of each of the activities within these strategic results is defined, as well as the authority tasked with performing it. A

15 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 99.

16 *Ibid.* pp. 99—101.

17 Both Veterinary Inspection and Phyto-Sanitary Inspection are part of the Ministry of Agriculture and Sustainable Development. Their task is to ensure that animals and plants, as well as products made of them, transported across the border are not carrying any disease.

timeframe for activities is given, together with estimated results and the required human and budgetary resources. Finally, impact and potential risks are being assessed for every activity. It can be concluded that the Action Plan provides for relevant and necessary measures, but that it contains a risk by being overly dependent upon on international donations that have not yet been committed in many cases. Moreover, Montenegro's domestic budget has been severely hit by the global economic crisis. Despite, a well established legal and strategic framework harmonised with Schengen Border Code and the provision for inter-agency and international co-operation, the monitoring of its implementation should be improved. It should move from registering statistical information on a number of activities to more in-depth analysis of the effectiveness of its use of resources and its impact of new policies.

3.7 Intra-agency co-operation

Noteworthy improvements have been recorded with the level of intra-agency co-operation since the publication of the previous OSCE report on police reform in Montenegro. One of the most important examples of such co-operation is discernible in the manner by which border police rely on the Police Administration's well-developed information and telecommunication networks. This has ensured that every border crossing point has an online connection with Interpol databases of searched individuals and stolen vehicles and clearly represents one of the most important achievements of border police reform in Montenegro.

Border Police Regional Centres are not integrated with Regional Police Units (regional units for uniformed police and criminal investigation). The heads of Border Police Regional Centres regularly attend the Regional Police Units' senior staff meetings and are in daily communication with their heads. Their operational co-operation, however, formally depends on permission from their respective sectors in Police Administration. This would slow things down had it not been for regular informal direct co-operation in the field. It needs to be noted and commended that Border Police Regional Centres and Regional Police Units regularly cooperate very closely. They often share technical and human resources. For instance, they often jointly plan the schedule of patrols in rural areas, which has been very important since rural police stations were abolished in 2009. Another example recorded during the research for this report is that crime technicians (field forensic officers) from a Regional Police Unit support border police by taking part in certain detailed searches conducted by local border police. It is commendable that regional senior police staff invest efforts in effective co-operation, but this should not depend on good interpersonal relations and therefore needs to be made sustainable by creating standard operating procedures for field co-operation between border police and other police branches.

It has already been observed that the Border Police Sector does not have its own criminal investigation capacities, but on these matters co-operates with the Criminal Investigation Sector. Some progress has been achieved in this area by the establishment of the Border Police Sector's Operations Department which has begun performing much needed risk assessment work and providing basic criminal intelligence analysis. The Sector is primarily a contributor of data to Central Criminal Intelligence System (KriS), and to a lesser extent its user. It needs to be noted here that border police have been the first component of Police Administration which introduced the processing of operational information with the use of 4x4 system. There is still a need for significant improvement of the risk analysis system in the Border Police Department and its implementation. This recommendation from the last few EC monitoring reports have been acted upon in 2011 by the adoption of the Instruction/Model for the implementation of risk analysis in the border police.¹⁸ In order to implement this model of risk analysis in the border police, there is a need to identify working posts for the risk analysis on the local, regional and central level and provide relevant specialised training. The plan for training of intelligence officers has been developed. Currently, on crime investigation issues the Border Police Sector's Regional Centres do not have (nor do they need) their own criminal investigation capacities, but work in co-operation with Regional Police Units' Criminal Investigation Departments. There is a lot of space for improvement in both Sectors in this area of co-operation. The activities of Police Administration and all of its organizational units to be completed by end-2012 have been envisaged by the *Roadmap* adopted in July 2011, as well

¹⁸ The Ministry of Foreign Affairs and European Integration: *The Fifth Report on Implementation of Action Plan for Monitoring Implementation of Recommendations given in the EC's Opinion* from 28 July 2011. p. 153.

as by the *Plan of Activities for the Implementation of the Project on Intelligence-led Policing*. It has been envisaged that by end-2012 central (strategic) and regional (operational) police analytical units are formed for all Police Administration's organizational units. These analytical units will gather data, process them and deliver to designated members of Police Administration. A small country like Montenegro needs a centralised criminal intelligence system and it is essential that the Border Police Sector's Operations Department is an integral part of it, both as a user and as an input provider.

3.8 Interagency co-operation

The main development since the previous OSCE report has been the creation of the structure facilitating interagency co-operation requirements of IBM in Montenegro. In 2007 the Government established the IBM Interagency Commission tasked it with overseeing the implementation of IBM Strategy and IBM Action Plan. It grew over time to 20 members representing various authorities. This Commission also serves as a forum for identifying and improving methods and channels of interagency co-operation. The ultimate responsibility for IBM in Montenegro rests with the Ministry of Interior. The IBM Interagency Commission is chaired by the Head of Ministry's Department for Integrated Management of Border and Border Crossing Points, while the Ministry is responsible for the construction and maintenance of border crossing points. It is made up of representatives from four other authorities: Police Administration, Customs Administration, Veterinary Inspection and Phyto-Sanitary Inspection. These five authorities signed *The Agreement on Mutual Co-operation in Integrated Border Management* in 2009. These five authorities also signed *The Special Agreement on Forming Coordination Teams for the Implementation of the IBM Strategy, Action Plan and Special Agreement on Order at the Border Crossing Points*, and they also defined *The Working Methodology for Coordination Teams at Regional Levels and Task Teams at the Border Crossing Points*. These documents established the basic co-operation principles between the mentioned five authorities, primarily on: harmonising the activities and improving the co-operation; joint risk assessment; establishing joint teams; conducting joint operations; offering expert and technical assistance and joint use of equipment; joint training; co-operation with other authorities and sharing of information and telecommunication networking.

As it has been stated earlier, Montenegro requires a centralised criminal intelligence system and its development is under way. Both Customs Administration (as a border fiscal authority, but also a security service) and Police Administration need to be part of it. At the moment each does not have direct access to the other's databases and information is shared on individual requests. It is certainly commendable that good personal relations foster information sharing, but this cannot be sustainable without standard operating procedures that would make information sharing more consistent and prompt. Border police and customs officers regularly cooperate at border crossing points, most notably by joint searches and in the shared use of each other's equipment.

One of the main shortcomings in the area of border protection noted by the European Commission is the weakness in protection of the 93 km-long open sea border in the Adriatic¹⁹. One of the main reasons for that, along with insufficient technical capabilities, is rather poor interagency co-operation. Far too many authorities have competences on sea and coast²⁰, which leads to an administrative mess resulting in weak border protection in this area. A proposal by the Ministry of Defence to create a coastguard unit (in addition to the existing navy) threatens to further complicate maritime security structures. Procedures and competences in this area need to be streamlined by the Government and this is why the inter-agency working group has been set-up to resolve this issue. Establishing new authorities with responsibility for policing and providing security at the sea should be considered only in the case that currently active authorities transfer their competencies to the new body similar to coastal guard in other countries. This issue should be resolved as a matter of priority by the Government's inter-agency working group and after the feasibility study of different options would be carried out.

19 Commission Staff Working Document Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council Commission opinion on Montenegro's Application for membership of the EU {COM (2010) 670}, p. 103.

20 On top of four authorities present on border crossings, sea border is also monitored by the Navy, Marine Safety Administration and Port Authorities.

3.9 International co-operation

Cross-border co-operation has developed rapidly since the independence of Montenegro, but still needs to be further strengthened. Montenegro, being a new state, possesses relatively new borders with all its neighbours besides Albania. In order to strengthen and develop these borderlines Montenegro's Border Police Sector has established co-operation with neighbouring border services and has signed agreements²¹ with them and this should be further enhanced by more field-level co-operation, thus operationalising high-level declarations about co-operation. Field-level co-operation should be enhanced. While there is an increase in a number of cross-border meetings and exchange of information and simultaneous patrols, further efforts should be invested in learning each other's procedures, joint exercises and operations. Currently there are joint patrols with border police services of Albania, Bosnia-Herzegovina and Serbia, as well as with the NATO-led Kosovo Force (KFOR)²². There are also joint patrols with Croatian border police along the so-called UN Blue Zone of the disputed border - Prevlaka. Based on experience from the previous enlargements, it is likely to expect that once Croatia introduces a Schengen border with Montenegro, the country will be confronted with a steadily increasing flow of illegal migrants.²³ Another relevant trend is the increase of migrants from out of the region. Montenegro and Albania have a joint border crossing point Sukobin/Muriqan. The facilities are situated on Albanian territory, but Montenegrin legislation applies in Montenegrin rooms of this joint border crossing point. The work of Albanian and Montenegrin border police officers is still not fully synchronised and steps are currently being made toward rectifying this lacuna. The OSCE has provided valuable support for this process through provision of four-month training course of the General English and Albanian languages for 20 border police officers working at the border crossing points and as members of joint patrols. There is a plan to continue with this kind of support. It is necessary in order to improve the language skills of police officers during joint patrols and joint investigations.

3.10 Way Forward for Integration into a Europe in the Globalised World

As a candidate for EU membership, Montenegro should closely follow and prepare to integrate into ever rapidly developing EU border management system. The current legal framework is broadly harmonised with the Schengen *Acquis*, especially Schengen Code of Boundaries, while secondary legislation should further be harmonised. With that aim a set of six new rulebooks needed for the implementation of the Law on Border Control have been adopted in June 2011. The current IBM Strategy expires in 2012, and an updated one should be followed with the adoption of National Strategy for the Accession to the Schengen Area outlining all activities indented at accession to Schengen. On the top of that, much investment and careful planning should be dedicated to building IT systems compatible with key EU large IT systems for this area: SIS II and SIRENE, as well as relevant asylum IT systems (Dublin-Net and EURODAC)²⁴. In order to join the second generation of Schengen Information System (SIS II), Montenegrin Police needs to adopt a National Border Management Information System. Similarly, in order to join asylum IT systems, the Ministry of Interior needs to build a national database for checking asylum seekers personal data. The national SIRENE Bureau should be interconnected through a newly established ILECU (International Law Enforcement Coordination Unit) which enables also international co-operation with other relevant law enforcement systems: Interpol, Europol etc. On the top of that, the reception centre for asylum seekers in Spuž should be completed and put into the function.

In addition, Montenegro should use the Working Agreement with Frontex signed in 2009 to enhance operational co-operation with the EU border police services. Montenegrin Border Police should seek observer status in Frontex EU Centre for Information, Discussion and Exchange on the Crossings of Frontiers and Immigration (CIREFI). CIREFI assists the EU and candidate states 'in exchanging information on

21 In the moment of writing this report, Montenegro had signed agreements on co-operation with border police of Albania and protocols for joint patrols with Albania, Bosnia and Herzegovina, Croatia and Serbia,

22 It is envisaged that KFOR hands over this duty to Kosovo Police Service in autumn 2011.

23 This has happened also in Croatia when Slovenia and Hungary introduced Schengen border towards Croatia. Trauner, F. (2011), *The Europeanization of the Western Balkans*, (Manchester: Manchester University Press), p. 91.

24 The DublinNet facilitates implementation of the Dublin Regulation which regulates mechanism for determining the State responsible for examining an asylum application in one of the Member States of the EU by a third country national. EURODAC system allows the electronic comparison of the fingerprints of asylum seekers.

legal migration, in preventing illegal migration and unlawful residence, on combating smuggling of human beings, improving the detection of false and falsified travel documents and on ways of improving return practices.²⁵ In this way, Montenegro can ensure access for the purpose of analysis of trends in global migration and international organized crime. Moreover, once the border police risk assessment is in place, the Border Police Sector should start exchanging information with the Frontex Risk Analysis Unit. For this purpose, the Police Administration should appoint a National Contact in the field of risk analysis to participate as an observer in relevant sessions of the meetings of the Frontex Risk Analysis Network (FRAN). On the basis of the Working Agreement with Frontex, the Border Police Sector currently delivers monthly reports on illegal migration to Frontex, while its representatives participate at the meetings of the Western Balkans Risk Analysis Network, organized by Frontex's Risk Analysis Unit.

Montenegro could contribute much to the work of Frontex in relation to prevention and suppression of flux of illegal arrivals of migrants and trafficking in human beings at the EU southern maritime borders, especially in the Mediterranean area. On the basis of its proximity to Italy, Montenegro could seek an agreement with Frontex to take part in Joint Operations as an observer. This could start with joint patrolling of Adriatic Coast with Italian, Croatian and Albanian maritime authorities. Frontex and the Border Police Sector might explore possibilities to develop co-operation in the field of joint return operations. The Border Police Sector should also seek to second national border police officers to Focal Point Offices located at the external border of the EU, as stipulated in the Working Agreement with Frontex. In this way, Montenegrin border police will acquire insights into current migration trends and modern border security management methodologies while improving its operational interoperability with the EU Member States.

In planning for the future of its border police management, Montenegro should also follow relevant developments envisaged by the Action Plan for implementation of Stockholm Programme, a five year strategic framework for the Area of Freedom, Security and Justice (2010-2014), as well as the European pact on Migration and Asylum, and the Global Approach to Migration²⁶. These include: the preparation of clear common operational procedures for joint operations at sea; increased operational co-operation between Frontex and countries of origin and transit and examination of the possibility of regular chartering for return financed by Frontex; phased development of the European Border Surveillance System (Eurosur) in the Southern borders, with a view to putting in place a system using modern technologies; promoting interoperability and uniform border surveillance standards; and ensuring sharing necessary surveillance data without delay. This development should take into account the work in other relevant areas of the Integrated Maritime Policy for the European Union²⁷ and the ongoing studies of Member States and Frontex in the field of automated border control.

3.11 Recommendations

1. The frequent staff rotation within border police and the instability of employment status should be avoided.
2. In order to ensure consistency of implementing rules and policies in border police, Police Academy should develop a basic training curriculum for border police. This should be rolled out for new employees after completion of basic police training. In order to keep border police staff informed of new legislative and technological developments a 'refreshment course' should be developed and made obligatory to take it once a year. The refreshment course could be provided in the field, where officers are located. Once all border police officers have completed basic police training, further training efforts should be based on a thorough training needs analysis and include: modern bor-

25 Commission of the European Communities, 2008.

26 The EU has adopted in 2005 the Global Approach to Migration promoting a comprehensive and balanced approach in dealing with migration issues in partnership with third countries. It addresses the broad range of migration-related issues, bringing together different policy areas – development, social affairs and employment, external relations and justice and home affairs – and taking both short term actions as well as a longer term vision to address the root causes of migration and forced migration. More on its consequences for the region Montenegro belongs to: MEMO/07/195 Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union.

27 More on Integrated Maritime Policy: http://ec.europa.eu/maritimeaffairs/subpage_en.html.

der policing methods, intelligence-led policing, human rights, normative framework and foreign languages. A parallel aim should be to familiarise officers with EU and Schengen standards and practices.

3. Future development of specialised and advanced training for experienced border police staff should be streamlined by the Border Police Sector based on in-depth training needs analysis and strategic planning, in order to follow closely priority areas for accession to the EU and Schengen such as: intelligence-led border policing, human trafficking, personal data protection, cross-border police co-operation and investigation. The opportunities for joint operational training with EU member states or joining a newly envisaged "Erasmus" type programme for border guards should be sought.
4. The need for new equipment and for the upgrading of surveillance systems and the need for infrastructural improvement at border crossings implies that investment is still required to modernise Montenegro's border security. There remains a need for an increase in financing new equipment and sophisticated systems for surveillance, as well continuation of upgrading infrastructure at the border crossings.
5. The Border Police Sector should continue developing community-oriented border policing. This mode of policing needs to be embraced throughout the Sector.
6. Border policing must become an intelligence-led form of policing. The Border Police Sector, and especially its Operations Department, needs to become an integral part of the central criminal intelligence system. Also the newly adopted Instruction/Model for the implementation of risk analysis in the border police should be fully implemented at all levels of border policing (national, regional and local).
7. Monitoring systems that control the implementation of the Integrated Border Management Strategy and Action Plan should be improved. It should move from registering statistical information on a number of activities to more in-depth analysis of the effectiveness of its use of resources and the impact of new policies. It should lead to developing formal interoperable procedures, exchange of experiences, joint risk analysis, training and awareness of the need for better co-ordination in planning among the branches and services. As a matter of priority standard operating procedures for field co-operation between border police and other police branches and law enforcement services should be developed for the implementation of the integrated border management on the regional and local level – on border crossings, important for the suppression of all kinds of cross border crime.
8. Establishing new authorities with responsibility for policing the sea should be considered only in the case that existing bodies merge to form a new body similar to coast guard in other countries. This issue should be resolved as a matter of priority by the Government's inter-agency working group and after the feasibility study of different options would be carried out.
9. The Border Police Sector has established ties with neighbouring border services and this should be further enhanced by more field-level co-operation, thus operationalizing high-level declarations about co-operation. Field-level co-operation should be enhanced through regular cross-border meetings and exchange of information, learning each others' procedures, joint exercises and joint patrols.
10. As a candidate for EU membership, Montenegro should prepare to integrate into ever rapidly developing EU border management system. This can be done by harmonising relevant secondary legislation and policies with the Schengen *Acquis*, in particular, the Schengen Code of Boundaries. It should also adopt a national strategy for its accession to the Schengen Area. On top of that, much investment and careful planning should be dedicated to building IT systems compatible with key EU large IT systems for this area: SIS 2 and SIRENE, as well as relevant asylum IT systems (DublinNet and EURODAC).
11. Montenegro should use the Working Agreement with Frontex to enhance operational co-operation with the EU border police services by acquiring observer status in relevant bodies for monitoring

migration trends (CIREFI) and risk analysis (the Frontex Risk Analysis Unit and FRAN). It should also actively seek to contribute to the Frontex's work with illegal migrants and victims of human trafficking. This should be achieved by participating as an observer in Joint Operations coordinated by Frontex in agreement with the Italy as the closest hosting EU Member State. The Border Police Sector should seek to second national border police officers to Focal Point Offices located at the external border of the EU, as stipulated in the Working Agreement with Frontex. It is needed to increase the number of border police officers engaged in co-operation with Frontex.

12. Specific, strategic support should be provided by the international donor community to the Montenegrin border police service. It should equally consider both infrastructural and personnel capacities. Assistance should require the development of strategies, standards and harmonisation of procedures.

4. COMMUNITY POLICING

Community Policing is arguably the area of greatest importance for police-public relations as it presents the public face of a transformed relationship between police and the public. It is also the area where international assistance could achieve the greatest cost-effectiveness as the financial resources demanded for change are modest in comparison to investments required to reform other branches (e.g. border policing, organized crime). This report recommends that the police organizational structure and management practices should be adopted to facilitate the sustainable implementation of community policing throughout Montenegro.

In Montenegro, the adoption of community policing strategies has progressed rapidly since 2006. It is certainly the area of police reform where the OSCE Mission has made greatest impact with a relatively modest investment. On paper at least, it can be observed that community policing has been introduced to uniform police in all 21 municipalities of Montenegro. This remains superficial however, as community policing is not sector specific and the strategy has had limited impact on other police branches. As a holistic strategy its functionality depends crucially on its capacity to influence changes in police management and structure. Moreover, notwithstanding positive reactions from groups exposed to this new way of resolving community safety issues, there has been limited success in making this change sustainable through community-wide involvement. This should include other government and private entities responsible for the management of local safety. To sum up, the key priorities over next five years should be mainstreaming community policing throughout the police service and attracting the participation of non-police actors in community safety initiatives. The OSCE should provide support to this process by ensuring the full transfer of know-how to local authorities including the development of all levels of training curricula and capacity, internal procedures and the establishment of partnerships with the local government association (The Union of Municipalities of Montenegro).

This chapter firstly provides a brief account of key phases of development and implementation of community policing in Montenegro since 2004. Secondly it evaluates the chosen model of community policing thereby drawing lessons from effective practices. In addition, the chapter identifies the limitations of the approach adopted. Thirdly, it provides an analysis of the key challenges regarding the mainstreaming of community policing throughout the police service and associated changes in police management and organization. It also discusses the potential role of non-police actors in the management of local safety issues. Lastly, the chapter provides recommendations for the international community to ensure a sustainable hand-over of knowledge capacity to the Montenegrin police service.

4.1 The Development of Community Policing in Montenegro

Community policing is not a completely new policing practice in Montenegro. Previous forms of policing in partnership existed during communism. However, the impetus for its full implementation and its alignment with liberal democratic values was gained after the independence of the country. Preparatory work (**phase one**) to introduce community policing undertaken by the international community and by the Ministry of Interior between 2004 and 2006 was eclipsed by the process of Montenegro gaining independence. This break between pre-independence and post-independence planning has made a significant impact on the development of community policing in Montenegro. It has been a factor for instance, in tensions occurring between the Police High School (now Police Academy) and the Ministry of Interior.¹ As such, it is difficult to ascertain the effects of two courses delivered by the OSCE in 2004: 'Community-Oriented Policing for Upper Management' and 'Community-Oriented Policing (COP) and Problem Solving'. Independent research undertaken during the pre-independence period which pointed out problems and areas of reform that required attention failed to stimulate corrective action.² In effect, community policing was shelved until the process of independence was completed.

1 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 107

2 CEDEM (2004) *Public Perception Surveys – Local Community and Uniformed Police* (Podgorica: OSCE and Mol) and Ryan, Barry (2004) *Police Perceptions of Community Policing in the Republic of Montenegro*, (Belgrade: the OSCE Mission to Serbia and Montenegro).

Table 1: Key phases of community policing roll-out in Montenegro

Period	Activities	Locations
2004-2006	<ul style="list-style-type: none"> OSCE delivery of 'Community-Oriented Policing for Upper Management' and a course on 'Community-Oriented Policing (COP) and Problem Solving' for 120 patrol officers Police perception survey in nine municipalities Public perception survey and focus groups done by CEDEM 	Police Academy, Danilovgrad
2007	<ul style="list-style-type: none"> Baseline and evaluation public perception surveys by CEDEM Training of the first 100 contact police officers by the OSCE Implementation of community policing in three pilot sites 	Podgorica, Nikšić and Ulcinj
2008	<ul style="list-style-type: none"> January-June implementation in the southern municipalities July-December implementation in the northern municipalities 	<ul style="list-style-type: none"> Bar, Budva, Tivat, Kotor, Herceg Novi and Danilovgrad Kolašin, Bijelo Polje, Plav, Andrijevica, Rožaje, Pjevlja, Žabljak, Šavnik, Plužine, Mojkovac, Berane and Cetinje
2009	Start of implementation in Border Police Sector – the first three pilot sites	
2010	<p>Roll out in border police</p> <p>Police perception survey</p>	Regional Border Police Berane (location Rožaje), Regional Border Police Podgorica (location Tuzi), Regional Border Police Herceg Novi (location Sutorina) and Regional Border Police Nikšić (location Banjani)
2011	<p>Public perception survey done by CEDEM</p> <p>Training for additional community police officers from the uniformed, border and traffic police</p>	

4.2 Phase 2 (2006-2008): Choice of model and pilot sites

The period 2006-2008 represents a second phase in the development of community policing in Montenegro. A new momentum towards the introduction of community policing is discernible in post-independent Montenegro. To support this new momentum, the OSCE Mission to Montenegro and the Police

Administration's Department for Crime Prevention and Community Policing created a strategic partnership in June 2006. Initial OSCE support in a form of study visits and introductory training in the Police Academy in Danilovgrad enabled the Montenegrin police to choose the model of community policing they would like to implement. They opted for a so-called Croatian model (originally German model).³ This model placed emphasis on the identification, training and deployment of designated contact police officers in fixed geographical areas (*rejon*) in Montenegro. The contact police officer was to work on partnership building, crime prevention, education of school students and problem solving through regular beat patrols and by acting as an intermediary between concerned citizens and other authorities. This approach was chosen over the approach supporting a multi-agency model of community safety, which was promoted for example in Serbia. The reasons for choosing the contact police officer model were twofold. First, based on positive experience of Croatia, there was an expectation that it will 'deliver tangible results quicker'.⁴ Secondly, it was felt that socio-historical differences between the Serbia and Montenegro meant a post-conflict form of community policing was irrelevant for Montenegro. Thus, ethnic and political tension that forged the construction of Municipal Safety Councils⁵ in South Serbia were considered inappropriate for Montenegro.

In 2007, as suggested by the OSCE,⁶ pilot sites were chosen in three regions of Montenegro with diverse safety challenges. These were Podgorica; as an urban capital located in the central region; Nikšić as an industrial urban centre in the north of Montenegro; and Ulcinj as a multiethnic tourist coastal city where a significant number of ethnic Albanians reside. These pilot sites served as a testing ground for community policing from March until November 2007. Initially 28 contact police officers were responsible for providing citizen-oriented service to about 84,000 inhabitants. The results of a survey which compared public perceptions in 2004 and 2007 showed the model to be producing positive results. The survey showed that the very existence of contact officers had a preventive effect on some forms of crime.⁷ Nevertheless, one has to keep in mind that the majority of interviewees felt that this was only the beginning of the process and that greater commitment was required of the police in order to attain a satisfactory level of co-operation among citizens and police. The annual police report from 2007 also concluded that more qualitative community police work had resulted in a reduction of crime rate.⁸

The OSCE delivered in 2007 an introductory community policing training and modern management training to 100 selected potential contact officers and their supervisors. During the interviews, we were told that contact police officers 'volunteered to the great extent'⁹ meaning that there were also those that were selected by their superiors. Their first activity was to make a list of persons, institutions and premises important for their beat and to distribute their business cards and promotional material on community policing provided by the OSCE. A survey later in 2007¹⁰ showed that almost 40% of citizens in contact regions had an opportunity to meet their assigned Contact Officer. The initial contact was followed with intensive media campaign focusing on contact police officers and a number of public events with police, municipal authorities and other organizations in selected municipalities. Crucially, at the end of 2007, a CEDEM survey¹¹ observed that citizens from the pilot sites evaluated police more favorably than those living outside the pilot sites. More precisely, citizens that met the Contact Officers

3 Note that so-called Croatian model has been based on more than just a contact police officer. It also included setting up Community Problem Solving Groups (CPSG), a neighbourhood-level committees elected at a town hall meeting and used for articulation of problems and possible solutions requested from both police and municipal authorities. For more details see: DeBlik, Sean (2007) *The Critical Link: Community Policing Practices in South-East Europe* (UNDP Albania/SSSR Programme), pp.21-22.

4 An interview with senior police manager involved in community policing programme on 28 March 2011.

5 Interestingly the same point was made by management at both the OSCE and the police.

6 Schouten, L., Gajić, N. and Riggle, S. (2006) *Police Reform in Montenegro 2001-2005: Assessment and Recommendations*. Belgrade: OSCE Mission to Serbia and Montenegro, p. 114.

7 The survey compared perceptions of 598 citizens living in pilot municipalities before and after the introduction of contact police officers, but also with the perceptions of 515 citizens living in the municipalities where there were no contact officers. More qualitative insights were gained from 56 in-depth interviews with local opinion-makers from pilot sites and two focus groups composed of the first generation of contact police officers. For more details see: Bešić, Miloš (November 2007), *Evaluation Survey on Community Policing* (Podgorica: CEDEM).

8 The Government of Montenegro, The Police Administration (February 2008), *The Report on the Police Administration's Work and Security Situation in 2007*, p. 36

9 An interview with senior police manager involved in community policing programme on 28 March 2011

10 Bešić, Miloš (November 2007), *Evaluation Survey on Community Policing* (Podgorica: CEDEM), p.3

11 Ibid, pp. 3-4.

tended to feel more secure, articulated a more positive attitude towards the police as an institution and demonstrated greater empathy with individual police officers than those who had not met contact police officers. The interviewees carried out at the end of 2007 with 56 local opinion leaders demonstrated that contacting the police had become easier than it had been in the past.¹²

4.3 Phase 3: national roll-out of community policing

In the light of this success, the Montenegrin government made a decision to implement community policing throughout the state in 2008. According to the Police Administration's Annual Report for 2008, Contact Officers made 63,901 contacts with citizens.¹³ The project also enjoyed favorable press coverage.¹⁴ At the end of 2008, the project 'Community Policing in Montenegro' was awarded the best project in South Eastern Europe by the Southeast Europe Police Chiefs Association' (SEPCA) Sub-Board on Community Policing.¹⁵ It has since been successfully implemented in all regional units and police outposts, i.e. in all 21 municipalities of Montenegro.

Innovatively, in 2009 community policing was introduced to Border Police. The same blueprint was implemented where the first three pilot sites were chosen for implementation of Community Policing Project for Border Police and 15 mid-level police managers and 15 Border Police contact officers were trained and assigned to 15 contact regions.¹⁶

4.4 Good Practices

A feature of community policing in Montenegro to be noted is its commitment to regular monitoring of work of contact police officers. The monitoring team, composed of representatives of Department for Crime Prevention and Community Policing and the OSCE, carried out regular field visits to observe the performance of contact police officers. Monitoring processes also involved interviews with Contact Officers and their supervisors, as well as randomly chosen 'clients' (citizens from their neighborhood, business owners etc.). This has been identified as one of key elements of success, as this practice enabled both individuals and organization to get feedback on performance and to ensure rigorous adherence to policies from the earliest stage.

Moreover, the OSCE supported at the national level an exchange of lessons learning and Montenegro-grown best practices among all involved in implementation of community policing through annual conferences attended by all contact police officers and their supervisors. These conferences created an opportunity to discuss common challenges, as well as to analyze successful practices from the field. Importantly, they also served to maintain the motivation of involved contact police officers. With the same purpose, the OSCE supported participation in the Southeast Europe Police Chiefs Association's (SEPCA) working group on community policing. It is important to maintain these practices even after the end of the OSCE support by budgeting sufficient resources for these activities in the budget of the Police Administration's Crime Prevention and Community Policing Department.

12 Ibid. p. 5.

13 The Government of Montenegro, The Police Administration (March 2009), *The Report on the Police Administration's Work and Security Situation in 2008*, p. 40

14 With about 159 news-media articles (63 television, 32 radio, 64 newspaper), Aug. 2009 figures according to the OSCE Activity Report 2009.

15 <http://www.sepca-see.eu/management/sepca-organigramme/25>

16 For more details see chapter *Border Policing* (pp. 9—10).

Table 2: Overview of activities in the community policing programme¹⁷

COMMUNITY-ORIENTED ACTIVITIES				POLICE-ORIENTED ACTIVITIES	
Schools (awareness education, sports)	Media (public safety campaigns, public safety awareness)	Community groups		Officers training	Physical (buildings, refurbishment, equipment)
		Training technical assistance	Grants, infrastructure		
Safe schools campaign	Safe schools, traffic safety, Pyrotechnics, animal safety and responsibility, anti-drug education supported by the OSCE, as well as printing of promotional material: posters, business cards, flyers and printed material for safety action campaigns (approx. 700,000 pieces, 2006-2009).	No	Kindergadens were refurbished in Ulcinj, Nikšić and Podgorica with small grant received from TIKA.	Classroom and field training of contact police officers and their supervisors provided by the OSCE.	Procurement of computers for contact police officers by ICITAP Printing of business cards for each contact police officer by the OSCE

17 Inspired by DeBliiek, Sean (2007) *The Critical Link: Community Policing Practices in Southeastern Europe* (UNDP Albania/SSSR Programme), p. 5.

4.5 Planning Phase Four: embedding community policing

According to annual Police Administration reports since 2007, the Contact Officer performs three groups of tasks: first, acting as intermediary between citizens' requests and inquiries and police and other competent authorities; second, prevention work; and third, perform 'traditional' law enforcement duties (see Table 3 below). Generally surveys report a high degree of satisfaction with the work of Contact Officers.¹⁸ The majority of citizens in Montenegro feel safe. At interview police officers accessed community policing 'as an effective way to gather intelligence, construct legitimacy and improve police access to the general public. 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.'¹⁹

Despite this demonstrable enthusiasm for community policing, data published in Police Annual Reports suggest that the quantity of all activities taken by contact police officers decreased in 2010 in comparison with 2009.²⁰ As there is no qualitative analysis provided in the reports, the explanation of this trend was given in subsequent contacts with the Police Administration. The decrease in the number of contact police officers' activities—according to this explanation—is related citizens expectations of police.. According to Police Administration, citizens in the initial phases reported communal utilities problems, expecting the contact officers' aid in solving them. Contact officers did take part in solving these being an intermediary between the citizens and relevant authorities. In later stages, citizens' requests relate more and more to safety and security concerns, rather than to non-police issues. In addition to this explanation, the perception of citizens and police officers analyzed by CEDEM have been analyzed here.

18 CEDEM (2004) *Public Perception Surveys – Local Community and Uniformed Police* (Podgorica: the OSCE and Mol), Bešić, Miloš (November 2007), *Evaluation Survey on Community Policing* (Podgorica: CEDEM) and Bešić Miloš (2011), *Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro).

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

20 The only exemption is number of arrests of people upon arrest warrants.

Table 3: Contact Police Officers as Intermediaries

Year	Re-ceived	Re-solved	Requests made by					
			Citizens	State Bodies	Local gov-ernment	Eco-nomic entities (Busi-ness)	NGOs	Other
2011	3513	3316	2303	62	711	78	111	1151
2010	4513 (4986)	4281	3,235	42	78	184	3	61
2009	5264	4870 (92.51%)	The source of requests not available					
2008	1,881		1,395 (mainly from Podgorica – 511 and Pljevlja – 158)					
Year	Sub-mit-tered	Re-solved	Requests submitted to					
			Citizens	State Bodies	Local gov-ernment	Eco-nomic entities (Busi-ness)	NGOs	Other
2011	330	159 (51.78%)		45	243	26	8	8
2010	547	243 (44.4%)		53	430	44		16
2009	718	280 (38.99%)	Not available					
2008	No information available							

Focus group surveys with contact police officers carried out in 2007 showed contact officers predominantly engaged with calls from shop owners, school directors and business owners. Budgetary constraints at the community level were given to explain why a majority of requests remain unsolved. Contact police officers who took part in focus groups during an evaluation of pilot sites in 2007 argued that the perception of their work and of the whole police greatly depends on the efficiency of their response to citizens' requests²¹. They face challenge that citizens do not always differentiate between the problems that fall under police jurisdiction (crime, disorder and similar) and those that other agencies should resolve or for which it is not known who is in charge of them. While, it is positively evaluated by local opinion-makers that the contact officer is a good solution for some of the problems that may not be traditional police problems, due to their broad knowledge of the situation in a particular region and good contacts with relevant authorities,²² it is not advised that acting as intermediary between citizens and state becomes main function of contact officers. Police, in partnership with media and civil society, should provide a public education programme to inform the public of the aims of community-based policing and the need for their involvement. In order for these campaigns to be successful, it is advised to make strategic partnerships with key media and local NGOs and other interest groups.

21 Bešić, Miloš (November 2007), *Evaluation Survey on Community Policing* (Podgorica: CEDEM), p. 5.

22 Cases in which contact officers provided help for some problems completely outside of their duties using their authority.

The finding from the public perception survey from 2011²³ indicates that a majority of citizens would be interested in supporting police to address community-level security issues. It is therefore a recommendation of this report to establish formal and informal channels for consultations with groups of interested citizens at the grassroots level through various existing models. There should also be strict and clear regulations and policies to deal with potential ethical dilemmas or negative impacts of close community-police relations. While the Police Development Strategy²⁴ recognizes the need to develop of 'network of partnerships' for solving local safety problems, the Action Plan for its Implementation²⁵ does not operationalise this goal into specific activities and indicators. The only partnership explicitly mentioned in these two documents is one between the police and government agencies with responsibility for money laundering and corruption. The establishment of consultative groups with a wider range of stakeholders is required to embed the work of the Contact Officer within local communities.

It is additionally recommended that community fora at the local level could be augmented with an umbrella forum at a higher administrative level. Such a framework could be constructed either through existing multiagency fora at the local level (e.g. Anti-Drugs Councils, Anti-Corruption Councils) or by the establishment of new coordination mechanisms such as Municipal Safety Councils (MSC), Crime Prevention Councils etc. This umbrella forum e.g. MSC would act to co-ordinate the work of local fora and facilitate an exchange of experiences and lessons learned. This would provide a contact officer with an institutionalized 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. The establishment of *ad hoc* Municipal Boards for Coordination of Local Authorities during the tourist season in coastal areas was positively regarded by officers interviewed for this report. In order to create sustainable co-operation between the police and local government, it is further recommended that the OSCE supports the establishment of a partnership between the Police Administration and the Union of Municipalities of Montenegro. This would be done with a view towards the development of a national level platform for capacity development and for exchange of best practices amongst municipal authorities.

23 Figure 24 'Are you personally willing to give support and help to police in solving safety issues?' in Bečić, Miloš (2011), *Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), p. 16. Available at: <http://www.osce.org/montenegro/81362?download=true>.

24 The Government of Montenegro, The Ministry of Interior and Public Administration (2011) *Strategija razvoja i funkcionisanja policije u periodu 2011-2013. godine* [The Strategy for the development and functioning of police service in the period 2011-2013], pp. 17—18. Available at: <http://www.upravapolicije.com/index.php?IDSP=441&jezik=lat>.

25 The Government of Montenegro, The Ministry of Interior and Public Administration (2011), *Akциони plan za sprovođenje Strategije razvoja i funkcionisanja policije u periodu 2011-2013. godine* [The Action Plan for Implementation of the Strategy for the development and functioning of police service in the period 2011-2013], pp. 10—11. Available at: <http://www.upravapolicije.com/index.php?IDSP=441&jezik=lat>.

Table 4: Other activities by contact police officers

Type of activity	2011	2010	2009	2008
Preventive activities	1253 resulting in seizure of 73,786 petards and 494 fireworks	1262 resulting in seizure of 61,687 petards and 184 fireworks.	No information available	1489 preventive activities: 226 in juvenile delinquency, 168 in drug addiction and alcoholism, 213 in criminality, 309 in traffic safety, 477 in use of pyrotechnic means and devices, and 96 in other preventive activities.
Registering criminal acts	421	1119	1433 criminal acts were registered, whereof 920 acts were committed by unknown person total 637 or 44.45% acts were solved, whereas 273 committed by known perpetrator and 364 by unknown perpetrator	No information available
Registering misdemeanour (minor offence)	737	760	830	No information available
Arrests at the crime scene	33 perpetrators in 24 cases	28 perpetrators in 18 cases	51 perpetrators in 42 cases	No information available

Traced down and arrested persons upon arrest warrants	17	27	19 persons whereof 11 persons upon central arrest warrant, 7 persons upon local arrest warrants, and 1 person upon international warrant	No information available
Controls of persons of security interest	9248	9744	No information available	
Submitted operative intelligence	1162 pieces of information	904 pieces of information	962 operative information were submitted, whereof 213 information or 22.14% were realised.	No information available

4.6 Areas of Concern

The primary concern with the implementation of community policing in Montenegro is that of inadequate coverage and representation. There are, at the time of writing, 146 Contact Officers operating in 146 locations. Initially each officer covered 1 km² or less, if there were 'interesting premises for community' (e.g. schools) and usually inhabited by 1000 to 2500 inhabitants²⁶. Later they were regrouped into wider beats, which, according to one deputy commander cited in the latest Police Perception Survey, cover around 2.5 to 3km² and contain about 2500 to 3000 inhabitants²⁷. Today the beats policed by contact police officers cover 33% of urban settlements or 380,000 citizens, including 40% of Podgorica.²⁸ This means that almost a half of population has yet to be exposed to the work of contact officers. Only one quarter of rural areas is covered by beats with assigned contact police officers. The number of designated beats does cover neither the whole territory, nor the whole population of Montenegro. It is therefore no wonder that citizens do not have enough information about contact police officers, thus not being able to assess their work. The findings of a 2011 public opinion survey (Figure 2) show that only a third of citizens know that there is a contact police officer in their community, while two thirds stated that there is no contact police officer in their community or that they do not know about it. Only every fourth citizen met their contact officer in person. Certain progress could be done in this regard. It would assume introducing contact police officers to the areas without them, since citizens are satisfied with their work in areas with them.²⁹ Bearing in mind the centrality of community policing to the security of under-policed rural areas, it is imperative to address this concern. As highlighted at a recent Annual Border Community Policing Conference,³⁰ it is difficult for contact officers cover large territorial

26 An interview with senior police manager involved in community policing programme on 28 March 2011.

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

28 Response to the question 68 in The Ministry of Foreign Affairs and European Integration (24 November 2009), *The EU Questionnaire – Political Criteria*, p. 209.

29 Bešić, Miloš (2011), *Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), pp. 18 and 34.

30 The survey from 2011 found 75% of those surveyed who had encounters with contact police officers held a positive opinion while 25% held a negative opinion, Bešić, Miloš (2011), *Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro).

beats with low population density and where households are dispersed. It is therefore, important to provide contact officers with adequate transportation.

In addition, the selection of contact officers should be expanded so as to involve more women and representatives of national minorities with the aim to be as representative as possible. Currently, there is only one female contact officer. There are also very few contact officers emanating from minority groups and a complete absence of contact officers at some residential areas on the outskirts of Podgorica (predominantly inhabited by members of the Roma community). Of particular concern is the manner by which police relations with members of the Roma community is developing.³¹ Other ethnic groups should also be included and the international community should continue to support Albanian language training for contact police officers, including those engaged in border police, so to support the provision of responsive service to diverse local communities of Montenegro.

In conclusion, Montenegrin community policing approach could be enriched by the creation of consultative fora with appropriate stakeholders. This could be done by creating permanent inter-agency bodies such as Municipal Safety Councils or by establishing regular consultative fora, such as topical public meetings, local advisory groups, joint community-police workshops, etc. At the same time, the skills and attitudes of local police management should be developed to support greater involvement in developing community safety strategies and coordinating existing local safety initiatives (e.g. supervision of contact police officers, local anti-corruption councils, school safety initiatives, prevention of drugs addiction boards, etc.). The coordination between different branches of police—as well as between police and other relevant authorities at the local level—should be improved in order to provide an effective response to the key safety concerns of local communities such as drugs trafficking, domestic violence, traffic safety, natural disasters etc. For this purpose, joint teams, risk analysis and protocols for reaction to citizens' demands could be implemented similarly to the ones tried for domestic violence cases in some Montenegrin municipalities.

4.7 Support to contact police officers from the rest of police service

In order to build on the foundational achievements of community policing in Montenegro, the practice needs to go beyond the contact officers and their immediate supervisors and become internalized throughout the institution.

The research found that contact police officers sometimes face inadequate support from colleagues and supervisors for their work, which results in fluctuations in the quantity and quality of their performance in different stations. One of the obstacles recorded at interview is an inadequate understanding of the contact officer's work. For example, contact officers highlighted both in focus groups in 2007³² and at the Annual Conference in 2009³³ that their involvement in certain activities in their designated region (e.g. taking action based on court order or with construction inspections, direct involvement in the raids and police assistance in its area of contact) tends to impede the relationships they have established in the neighborhood. On the other hand, their colleagues articulated a more widely spread misunderstanding that community police officers are not doing any repressive work as they are trying to preserve the image of 'good cops'. This perception of community policing as a 'special function having little in common with "real" law enforcement' resulted in their being assigned to work as dispatchers, keeping records of detention cell, maintenance facilities etc. In order to avoid this, it is advised to not use contact officers in activity in their designated area that will damage their relationship with the local community. This does not mean that contact officers are 'to be soft on crime' but that they should use smart policing and knowledge of the community they are policing to decide which tactic to apply (e.g. for minor offences first warning, later arrest) and with whom from the community they could address also the source of problem, not just consequences.

31 See CEDEM/OMiSaM *Survey on Community Policing in Montenegro: Public and Police Perception Surveys 2004* and Ryan, Barry (2010) *Report on Police Perceptions and Police Reform* (Podgorica: the OSCE Mission to Montenegro), p. 20.

32 Bešić, Miloš (November 2007), *Evaluation Survey on Community Policing* (Podgorica: CEDEM), p. 9.

33 The OSCE Mission to Montenegro (13 November 2009), *Report on Evaluation of the Status on Community Policing and Direction for Project 2010-2011* [unpublished document], p. 4.

Another suggestion made by contact police officers and their supervisors is that the working hours of contact police officers should be more flexible and adapted to real needs and concerns of citizens who live and work in the contact regions. Their recommendation was that they are deployed not only during day shift, but in two shifts and on non-working days (e.g. weekends, holidays)³⁴. This is in line with principle of community policing focusing on continuous geographical responsibility—sector (neighborhood) policing—as opposed to time-based responsibility (i.e. for an eight hour shift).³⁵

The annual contact police officers' conference also revealed that additional support is needed from mid-management primarily to liaise with other police branches, establishing communication and partnership with other non-police agencies and entities in local communities and ensuring adequate resources for their work. An evaluation undertaken by CEDEM at the end of 2007 found that mid-management to be sometimes passively involved in community policing work. Contact officers receiving little co-operation or communication therefore often felt isolated from the rest of the police. For example, one of the needs mentioned was computer training for contact police officers to use personal computers donated by ICITAP, especially for the utilization of installed applications for monthly reports and daily monitoring results. Moreover co-operation between uniformed and criminal investigation police should be improved. Interviewed officials from the Criminal Investigation Sector pointed out that poor computer and reporting skills meant that contact officers do not fully contribute to the newly established criminal intelligence system. This finding was supported by the findings of Police Perception Survey which show that there seems to be 'very little linking the work of the community police officer at the level of the playground/basketball court with the wider efforts of criminal police to counter the sale of drugs and other illicit substances. The relative banality of the intelligence gathered by community police officers might be an indicator of the work yet to be undertaken to build a relationship of reciprocal trust between police and society.'³⁶ It is the role of direct supervisor to ensure quality of reports and provide necessary mentoring and assistance to contact police officers, and when necessary involve higher ranks, e.g. local branches commanders in problem-solving e.g. establishing joint initiatives with municipal authorities.

4.8 Mainstreaming community policing throughout police service

Phase 4 of community policing should be aimed at introduction and embedding of community policing to all aspects of policing. Besides introducing community policing in the traffic and border police identified in Police Development Strategy, it is suggested to expand this endeavor with training of criminal investigation police (especially those dealing with the youth, drugs etc.), operational centres (as first call centres) and the Ministry of Interior's Emergency Management Sector. This should not be undertaken through brief awareness training modules but should also incorporate the development of pilot projects and relevant procedures, as well as regular monitoring of implementation of these principles in practice and taking lessons learned.

4.9 Development of training capacity

The OSCE should handover training to Montenegrin authorities by supporting the development of curricula and training capacity for community policing. This should include development of curricula for introductory training for new contact police officers; in-service orientation for all police officers; advanced training for both contact officers and their managers; and management training. So far, only basic training is provided by national authorities while all other training is still being delivered by the OSCE. The curricula should be drafted in close co-operation with the Department for Crime Prevention and Community Policing and Police Academy. Where necessary, external expertise should be involved, including external consultants from civil society and academia. The topics for follow-up specialized training for contact police officers and their supervisors should be based on needs identified in the field and based on strategic priorities for crime prevention of police management. In order to be able to deliver that training, it is necessary also to select and train the trainers and mentors for its implementation. The sug-

34 The OSCE Mission to Montenegro (2009), *Report on Evaluation of the Status on Community policing and Direction for Project 2010-2011*, pp. 3—5.

35 SEESAC (2003) *Community Policing Philosophy and Principles*, (Belgrade: SEESAC), p. 15.

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

gestion is that a pool of trainers is selected not only from the Academy staff, but also from the Contact Officers and from management in the Department for Crime Prevention and Community Policing. Once the curricula and trainers' capacity is developed, awareness training should be delivered to the entire police service. This awareness training should contain enough time for discussion of possible use of community policing set of skills in other lines of work e.g. partnership building, problem-solving, mediating in conflict situations and convening the concerns of external stakeholders to the police leadership and other relevant authorities. It is important to ensure that training includes also officers attached to headquarter units and specialist branches, especially those not operating at the local level, so that that they understand community oriented policing and are aware of its implementation.

A formal policy on community policing should be adopted and further operationalised into the manual of guidance to assist officers implementing community policing. So far, formal guidelines were given through operational dispatches on an *ad hoc* basis. The Department for Community Policing has also adopted unified reporting templates. This should be all compiled, reviewed and transferred into unified set of instructions for officers of different rank in charge of community policing implementation. The policy should also contain information for police management regarding criteria for selection of contact officers, designated regions, methods of evaluation etc. This is important for institutional knowledge but would also serve as a formal basis for the allocation of resources. For example, at the 2009 Annual Community Policing Conference for Border Police³⁷ a recommendation was made to formally define the function of community policing in the Department for State Border Surveillance through changes and amendments in the Act of the Organization and Systematization.

The most important changes required to accomplish phase 4 will concern the de-concentration of decision-making³⁸, human resource management policy and internal/external communication policy, better linking between community policing and other lines of work (e.g. criminal intelligence system).

Figure: Key elements of organizational re-structuring to facilitate community policing

The organizational structure:

- Emphasis is placed on role not rank;
- Devolution of authority is a key element in the declared commitment to 'local policing meeting local needs';
- Local police 'commanders' will require more autonomy, including budgetary control, whilst being more accountable for service delivery;
- Adoption of a flatter rank structure with fewer management grades and more 'operational' (frontline) staff; and
- Less functional specialization because 'operational' officers – patrol officers and first line supervisors – would be expected to cope with a range of new demands.

Taken from: SEESAC (2003), *Philosophy and Principles of Community-Based Policing* (Belgrade: UNDP), p.9

The biggest challenge to be addressed is at the mid-level management, in the local police HQ and by front-line officers. Nonetheless, the central police management and the specialized Department for Crime Prevention and Community Policing should remain in charge of the development of country-wide strategies, priorities for crime prevention and monitoring and evaluation of other branches. Top management is essential for police-wide implementation of community policing. The central police management should promote and monitor co-ordination among community policing efforts and the activities of other divisions and units. The Department for Planning, Development and Analysis might

37 The OSCE Mission to Montenegro (12 November 2009) *The Report on Implementation of Community Policing in the Border Pilot Site –Location Results* [Unpublished report], p. 5.

38 De-concentration is administrative way of decentralisation. As it is quoted in the *Online Sourcebook on Decentralisation and Local Development*, it is considered to be the weakest form of decentralisation as 'it merely shifts responsibilities from central government officials in the capital city to those working in regions, provinces or districts'. Available at: http://www.ciesin.org/decentralization/English/General/Different_forms.html.

provide proposals on how to better link community policing and criminal intelligence system or other lines of work.

Consequently, a significant change in the role of senior officers at regional headquarters is required. They should gain more responsibility for timely communication with media, budgetary allocations for local prevention and safety campaigns and the development and management of community safety strategy at the municipal level in partnership with other relevant authorities. Our findings suggest that a separate budget within the police for implementation of community policing initiatives currently does not exist. Instead, crime prevention campaigns depend heavily on international assistance. This needs to be changed so that some resources, however limited, are allocated for prevention campaigns. This might fund small community needs-based projects which are compatible with transparency and accountability criteria. Regional police managers should further allow contact officers' supervisors to compete for these funds based on needs within their community. In this way, front line contact officers and supervisors will be encouraged to take initiatives and to be innovative in problem solving. While it is important to ensure accountability of the process, it is important to delegate sufficient authority to front-line supervisors to propose innovations with a minimum of red tape.

In order for de-concentration of decision-making to function, it is important that it is based in human resources management policy. It should clearly be set to enhance and not impede promotion prospects of officers who took on community policing duties. The recruitment and selection guidelines should clearly reflect the commitment for community policing, while the performance evaluation should contain assessment of officers' ability to effectively address community problems and to involve the community in this effort. The champions of change among front-line contact police officers and their supervisors should regularly be identified and supported.³⁹ The police management should also look to use other opportunities to support their growth and award them for good work selection for specialized training/personal development (including prestigious training courses abroad); top managers/leaders encouraging and recognizing contributions officially etc.

4.10 Recommendations:

1. The community policing model which relies on contact officers should be 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 continued, as well as regular exchange of experiences among current contact officers at annual conferences.
2. The selection of contact officers should be expanded so to involve more women and representatives of ethnic groups with an aim to be as representative of as possible. The current situation, whereby there is one women contact officer, poor representation from minority groups' members and absence of community police officers in residential areas on the outskirts of Podgorica predominantly inhabited by members of the Roma community is unsatisfactory.
3. The international community should continue to support Albanian language training for contact officers, including those engaged in border police, so as to support the provision of a responsive service to the diverse local communities of Montenegro.
4. The Montenegrin community policing approach should be enriched with the creation of consultative spaces wherein interested stakeholders will cooperate in the identification and solution of local safety issues. This could be done by creating permanent inter-agency bodies, such as Municipal Safety Councils, or by establishing regular consultative fora such as topical public meetings, local advisory groups, joint community-police workshops, etc. For this purpose, a partnership with the Association of Montenegrin Municipalities should be sought, so to develop a national level platform for capacity development of municipalities and the exchange of best practices. At the same time, the skills and attitude of local police management should be developed to support their greater

³⁹ In Croatia, this was done with 15% higher salary increment, which we have been informed is not feasible for Montenegro. So the good practice of providing the best community police officers with an end-of-year bonus should be maintained. So far 30 Contact Officers were awarded bonuses at the end of 2011.

involvement in the development of community safety strategies and in the coordination of existing local safety initiatives (e.g. supervision of contact police officers, local anti-corruption councils, school safety initiatives, prevention of drugs addiction boards, etc.).

5. Phase 4 of community policing should be aimed at introduction and embedding of community policing to all aspects of policing. Besides introducing community policing in the traffic and border police identified in Police Development Strategy, it is suggested to expand this endeavor with training of criminal investigation police (especially those dealing with the youth, drugs etc.), operational centres (as first call centres) and the Ministry of Interior's Emergency Management Sector. This should not be undertaken through brief awareness training modules but should also incorporate the development of pilot projects and relevant procedures, as well as regular monitoring of implementation of these principles in practice and taking lessons learned.
6. Coordination between different branches of police, as well as between police and other relevant authorities at the local level should be improved in order to provide effective response to the key safety concerns of local communities. For this purpose, joint teams, risk analysis and protocols for reaction to citizens' demands could be established that resemble structures in some Montenegrin municipalities that have been established to address domestic violence.
7. The police organization and management should be adopted to ensure sustainable implementation of community policing throughout Montenegro. Initiatives could include the de-concentration of decision-making, the provision of links between community policing and the criminal intelligence system, and dedicated budget lines for crime prevention activities.
8. A formal policy on community policing should be adopted and further operationalised into the manual of guidance to assist officers implementing community policing. Existing guidance's should be reviewed and transferred into unified set of instructions for officers of different rank in charge of community policing implementation. The policy should also contain information for police management regarding criteria for selection of contact officers, designated regions, methods of evaluation etc.

5. POLICE ACCOUNTABILITY

The institutional system for police oversight has been significantly improved in last five years. Improvements are evident in regards to a more lawful use of coercion, enhanced detention conditions and regular disciplinary sanctioning of police officers for misconduct. However, the remaining deficiencies are such that we could say that police accountability is the weakest aspect of Montenegro's police reform process. Major changes are required to make internal affairs fully functional, to improve consistency and coordination among oversight mechanisms and to further depoliticize investigations into police misconduct and allegations of corruption, particularly of senior police managers.

This text is structured in the following way. First, key oversight mechanisms and their competencies are introduced. Second, key challenges are mapped, as perceived by citizens. The third section offers a more in-depth analysis of key oversight mechanisms, starting with mechanisms of accountability and human rights protection: Internal Control Department in the MoI, Police Administration's Ethics Board, Council for Citizens Control of Police Work, Ombudsperson and the judiciary. Finally the chapter will evaluate issues of financial accountability and transparency. Concerns surrounding the protection of personal data are briefly addressed. The analysis is completed by a survey of political oversight powers exercised by the parliament and by giving key recommendations for the improvement of police service's accountability to citizens.

5.1 Presentation of police accountability system in Montenegro

Since the adoption of the Law on Police in 2005, Montenegro has hosted a more sophisticated system of checks and balances to regulate police power than is found in any other country in the region, including some consolidated European continental democracies. The institutional apparatus for police accountability in Montenegro consists both of bodies specialized for police oversight (e.g. Council for Civilian Control of Police Work, Internal Control Department, Police Ethics Board) and parliamentary and independent statutory institutions in charge of horizontal oversight across the entire security sector (parliamentary Security and Defense Committee) or public administration (e.g. Ombudsperson in 2003, Private Data Protection Agency in 2009 or State Audit Institution in 2004). Most institutions were established in 2005 and since then have amended legislation regulating their work. All institutions, including the 'youngest' Privacy Data Protection Agency established in 2009, have been allocated vital resources for their work. The secondary legislation regulating their work is in place, except in the case of Internal Affairs Department. For an overview of their competencies, please see Table 1: Overview of police oversight bodies, Annex 3.

The major weakness of this accountability system is a lack of adequate horizontal coordination among different oversight mechanisms. For example, the Internal Control Department (ICD) seldom proactively follows-up recommendations made by the Council for Civilian Control of Police Work or of the Ombudsperson's findings, but rather wait to receive a direct request. Several oversight bodies are in charge of investigations in cases where allegations of excessive force have been made. In the next strategic reform period, it is imperative that these competences be more strictly divided among internal affairs mechanisms. This would mean that, for example, ICD would be in charge only in cases involving the investigation of criminal offences, while the Police Administration's Police Ethics Board should continue addressing minor offences. Adequate horizontal co-operation among different oversight mechanisms (e.g. internal affairs and external mechanisms – Council, Ombudsperson, and parliament) should be ensured primarily by the Security and Defense Committee so to provide integrated police accountability to citizens.

5.2 Mapping of Key Challenges

Despite the introduction of new oversight mechanisms, perceptions held by citizens of police accountability has yet to improve. Public perceptions of police involvement in corruption and organized crime, discriminatory treatment of marginalized groups and political opponents, as well as the belief that it is 'useless' to press charges against police officers remain prevalent throughout Montenegrin society.

The perception of police involvement in organized crime is worrying. Every third citizen believes that a significant number of police officers is involved in organized crime (38.2%) and 17.8% believes that a majority of police officers are involved.¹ The survey carried out by CEMI in 2009² indicated that police officers were considered to be the third most corrupt profession in Montenegro after doctors and customs officers³: in the last year, every fifth citizen (22%)⁴ had a personal experience of bribing or being asked to bribe police officer.⁵ In the same survey, police, as an institution, was rated to be the fourth most corrupt after customs, judiciary and health system.⁶ Moreover, citizen confidence in the ability of police to address corruption is not high (34%). Another obstacle to fighting corruption in police and by the police is the small, close-knit nature of Montenegrin society in which every second citizens has a close relative or friend employed in the police.⁷ It is recommended that this lack of confidence be directly contested in the next strategic period by initiating a zero-tolerance policy for corruption, whereby sanctions for the receipt of petty bribes should be strictly enforced. In practice, this would require that all gifts above 2 or 5 Euros have to be registered and that if the officer has not registered the gift than he or she will be guilty of corruption. A comprehensive risk analysis should be taken to identify situational opportunities for corruption; e.g. jobs and police tasks most vulnerable to corruption, as well as organizational process conducive to corrupt behaviour (e.g. confidential procurement, non-transparent promotion policy); and followed by the adequate preventive and sanctioning measures.

Policing in Montenegro also needs to address a relatively strong perception that it discriminates against the poor and against those with certain political affiliations. As much as 55.4% of those polled for this research stated that police officers tend to discriminates the poor in comparison to the rich. Moreover, 60% claimed that the police service is politicized to a very high degree. The third area of practices which needs attention is the claim that non-citizens are regularly discriminated against (Table 2, Figure 1).⁸ Montenegro hosts a significant number of refugees and migrants from former republics of Yugoslavia, who sought refuge during the 1990s – many of them still being without citizenship. In fact, the 2011 European Commission report has recorded that, despite antidiscrimination training and campaigns, these cases are not being investigated efficiently enough and emphasized the protection of displaced persons, LGBT and Roma, Ashkali and Egyptian population as a challenge that should be addressed in the next period.⁹ The CEDEM public perception survey does, however, indicate that less discrimination is perceived to be occurring on the basis of ethnic and/or religious background than was present in 2007.

1 Bešić, Miloš (2011) *The Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), figure 49, p. 30.

2 Stojković, Zoran (2009) *Korupcija u CG [Corruption in Montenegro]* (Podgorica: CEMI).

3 Ibid. p. 12.

4 Ibid. p. 18.

5 Perception of citizens does not coincide with the risk assessment from the National strategy for the fight against corruption in Montenegro, where six areas of special risk have been identified: local government, spatial planning, public procurement, privatisation, education and healthcare. Nevertheless, the perception of citizens in an important indicator of their everyday experiences and may influence their readiness to report corruptive activities of police officers and other public servants.

6 Ibid. p. 12

7 Bešić, Miloš (2011) *The Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), figure 29, pp. 18—19.

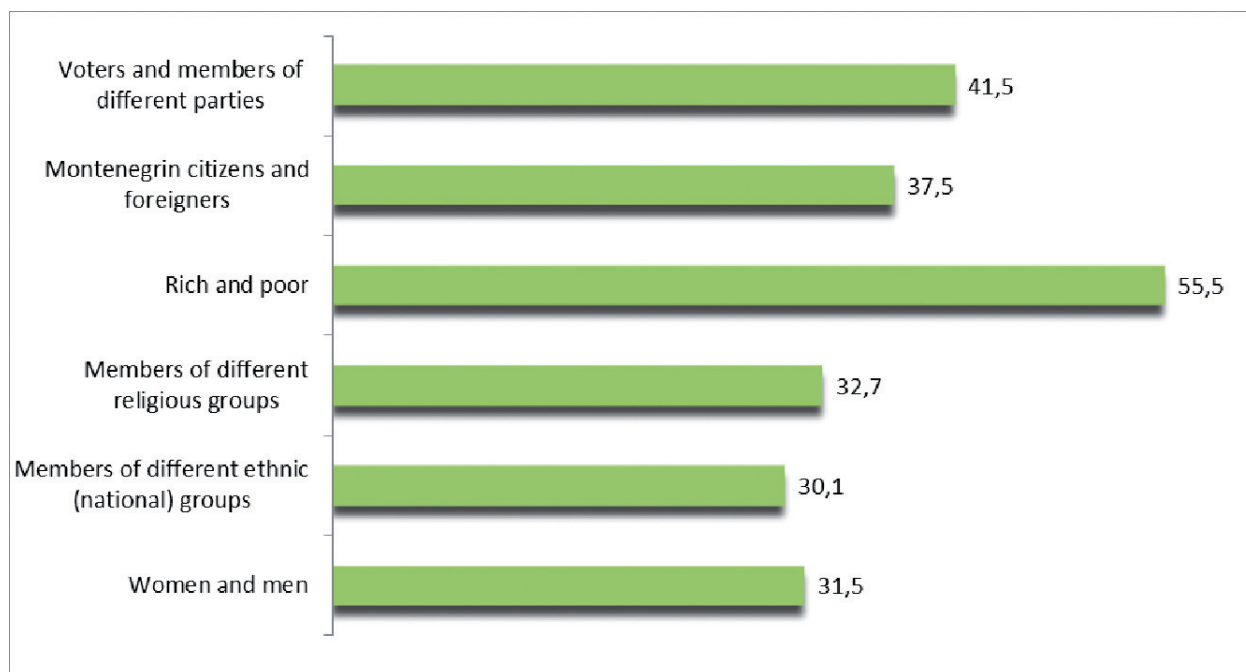
8 Ibid. p. 21.

9 European Commission, Report on Progress of Montenegro in 2011. pages. 18—19.

Table 2: Do police officers equally treat following groups, by your opinion %

	Fully yes	Mostly yes	Mostly no	Not at all
Women and men	26,8	41,8	22,1	9,3
Members of different ethnical(national)groups	19,9	49,9	21,5	8,6
Members of different religious groups	21,0	46,3	23,2	9,4
Rich and poor	15,0	29,5	31,5	23,9
Montenegrin citizens and foreigners	20,0	42,5	24,3	13,2
Voters and members of different parties	20,0	38,5	26,2	15,3

Figure 1: Perception of level of discrimination by group's %



5.3 Legal Accountability

Internal Accountability

There are a few mechanisms of **internal accountability** with which to hold officers accountable. The units located within the Police Administration are: Department for Fight against Organized Crime and Corruption (investigates cases of police corruption), Police Ethics Board, and Disciplinary Commission.

Internal Control Department (ICD), established in 2003, is considered to be the most important mechanism of internal accountability. Among other competences the unit is in charge of controlling the lawfulness of police activities, in particular with respect to human rights protection pertaining to police duties and competences, as well as counter-intelligence protection (LoP, Art. 95a). It can act upon com-

plaints made by citizens, organizations or police officers and is mandated to follow-up recommendations made by the relevant parliamentary committee, Ombudsperson and the Council for Civic Control of Police Work. It can also initiate its own investigations. It cannot undertake 'entrapment' operations, as that is not in accordance with Montenegro's legislation. While ICD can request the support of other police units, its investigative access to documents, premises or information can be limited for up to 24 hours if this could endanger ongoing police operation. All members of the ICD are sworn police officers of senior rank who enjoy with relatively higher rates of pay.. However, since its establishment in 2004, the ICD's practice has varied significantly. It has still not fully used its competences and earned the trust of Montenegrin citizens. This is particularly apparent in its relationship to the Council for Civilian Control of Police Work. The reason for this is that it has been provided neither with sufficient resources nor with the political conditions for independent functioning.

ICD was originally established in 2003 as an organizational unit of the Mol, then Mol's Public Security Sector, today's Police Administration. In 2009 its work was paralyzed as a result of a turf war between the Minister of Interior and the Police Director over the issue of who was to control the work of ICD. The Minister of Interior demanded that ICD would be put under his direct supervision, with an explanation that this shift would bring more objectivity to its work. The contest for power over ICD significantly slowed down its work and diminished its results between 2009 and 2010, the period when the Department was organizationally and physically transferred to Mol, in line with the amended Law on Police (December 2009). The head of the ICD now answers directly to the Minister of Interior. The OCD findings are also forwarded to the Minister, who in turn forwards them to the Police Director, with whom the power to initiate disciplinary proceedings rests.

While the competences of ICD were not changed with its removal from the police organizational structure, its capabilities have suffered. For example, the ICD has been excluded from the telecommunication network of the Police Administration. In addition, their staff has been refused a direct real-time access to police databases as, it is argued, and they operate under the remit of a separate public administration body. The deadlock was resolved after the Agency for Private Data Protection issued a recommendation that Police Administration ought to give ICD access to staff databases¹⁰, but only after a formal request (made for every individual case). This is perceived by ICD staff to be an impediment to the efficiency of their investigation, as it slows their access to relevant information about police staff and warns suspects in the police that they are being investigated. This challenge should be overcome by ensuring real-time access to the police databases with the changes of *Annex of Agreement between the Mol and PA on the Use of Personal and Other Data*, in accordance with the recommendation from the 2011 annual report of the Agency for Private Data Protection.¹¹ Access to police databases should be recorded, so that the misuse of personal data is prevented. ICD also depends on relevant police units for use of forensics and special investigative means. This is considered a cost-effective solution for such a small police service and therefore, the development of a separate special investigative capacity in ICD is not recommended.

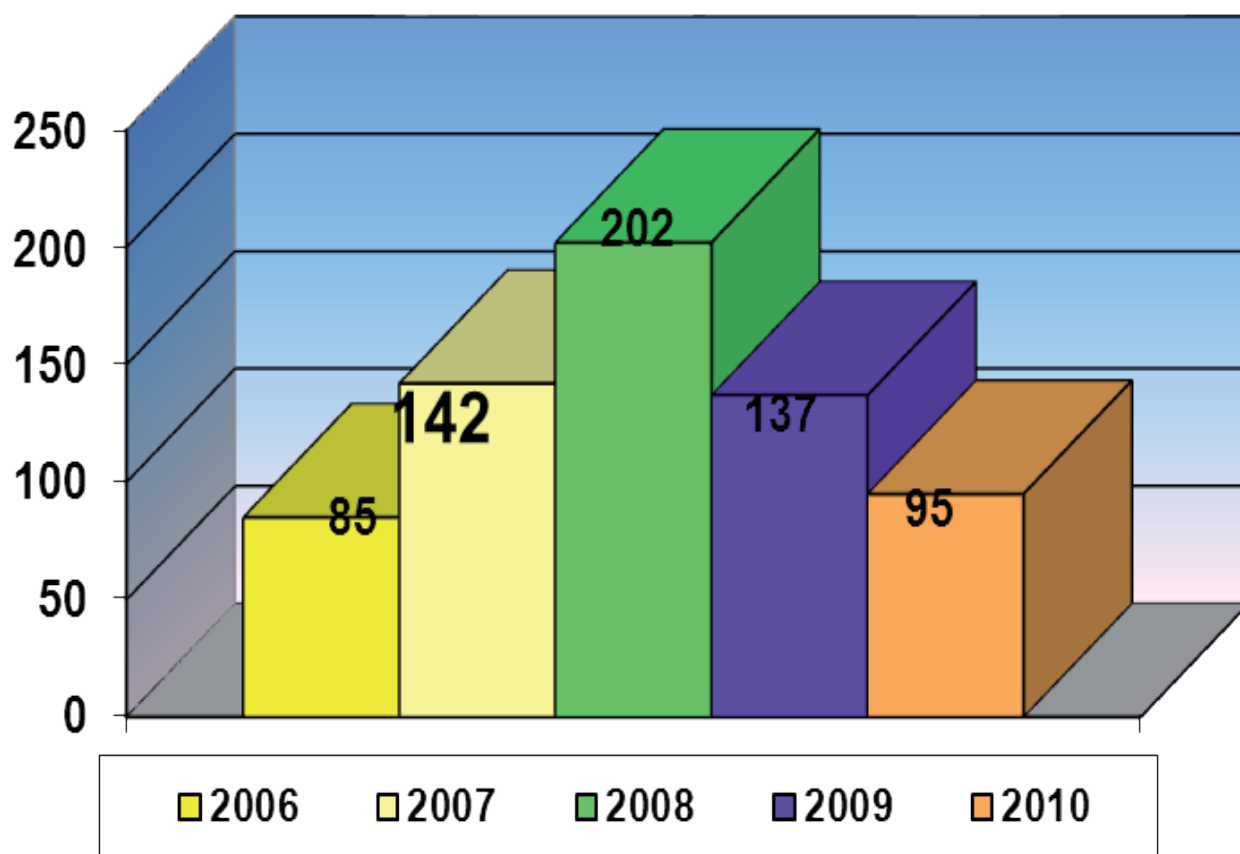
The ICD is inadequately manned at present. There are 23 posts planned for this unit, of which eight posts are in regional police units. Only 12 posts in the Mol HQ were filled and six in regional police units, leaving Pljevlja uncovered. Despite the fact that these posts are rewarded with higher ranks and remuneration, the job in ICD is highly unpopular in the police and it is difficult to recruit qualified police officers. A number of interviewed representatives of media and civil society alleged that some of the officers employed in ICD have been involved in police misconduct in their previous jobs and could be easily blackmailed if they decide to investigate police wrongdoing. The perception of not having reliable and credible officers at these posts may seriously affect the perceived integrity of this unit and the whole police. The ICD reputation needs to be improved both within the police and among civil society. This could be done by marketing internally the job in this unit as an advantage for promotion to the top police management positions. The external image could be promoted by careful vetting of candidates so to ensure the personal integrity of selected staff.

10 Agency for Private Data Protection (2012), *Izveštaj o stanju zaštite ličnih podataka u CG za 2011. godinu*, , p. 55.

11 *Ibid.* pp. 12 and 55.

As previously stated, the ICD has not used its full competencies. In the words of its staff, they most frequently act upon citizens complaints¹² and they much more rarely receive requests from the Ombudsperson or the Council for Citizens Control of Police Work. They have rarely followed-up more general conclusions and recommendations made by other oversight mechanisms. For example, they have not looked into reasons why investigate officers or units that are more frequently complained against or are more than once found guilty for misconduct. Most of its resources and time is spent processing citizens' complaints on work practices and procedural compliance. From an analysis of complaints, it is evident that the greatest number of complaints was received in 2008, almost twice more than in 2006 or 2010. This is explained by the success of an advertising campaign carried out with the support of the OSCE Mission to promote the complaints system and introduction of the special telephone number 9812.¹³ The subsequent decrease in complaints received could derive from the termination of this advertising campaign or from the confusion that accompanied ICDs move to the MoI. Nonetheless, at the beginning of 2011, CEDEM's public perception survey indicated that just over half of citizens (53%) do not know how to file a complaint about police¹⁴. ICD should regularly run campaigns promoting its work and implement preventive actions. They should engage regularly consult human rights NGOs regarding problems they have identified in the provision of legal aid to citizens. ICD representatives could also take part in meetings with local communities once these are established within community policing frameworks, in order to educate citizens of their rights and of the ways to make complaints.

Illustration 1: Complaints received by the ICD in the period 2006—2010



12 While a part of Police Administration, they have more frequently received the requests of Director and other senior police managers for investigation. For example, the Annual Report of PA for 2008 (p. 49) quotes that ICD investigated the use of sick leave upon the request of police director and proposed the measures resulting in reduced number of sick leaves taken by certain officers. The second example mentioned in the same report is request of the Heads of Regional Units on performing control over using of vehicles and fuel consumption in Nikšić and Pljevlja, where abuses or other illegal activities were not found.

13 Special telephone line was introduced later for confidential reports of police corruption, which might have led to confusion among citizens regarding which number to use.

14 Bešić, Miloš (2011) *The Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), figure 35, pp. 22.

Illustration 2: Leaflet for promotion of complaints


UPRAVA POLICIJE
REPUBLIKE CRNE GORE

**SMATRATE LI DA JE POLICAJAC
POSTUPIO NEPRAVILNO
I NEPROFESIONALNO?**

KAKO PRIGOVORITI ?

Najkasnije 30 dana od dana primjene
ovlašćenja ili preduzimanja službene
radnje policijskog službenika:

Pozivom na:
- direktni broj 9821,
- mobilni telefon 069/ 349-000
- mobilni telefon 067/ 449 – 000,

Dostavom faksa na:
broj 9820.

E-mailom na:
gradjani.policija@cg.yu

9821
9821

IZGRADIMO POVJERENJE!

Telefon za prigovore građana
na postupke policije


ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
Mission to Montenegro

Table 3: Statistical Overview of Complaints

Year	2006	2007	2008	2009	2010	Total
Total Number of complaints	158 (234)	216 (158)	297 (216)	204 (207)	183 (204)	
Total number of justified complaints	25	35	61 (35)	26 (61)	17 (26)	
Total number of unjustified complaints	133 (84.18%)	181 (83.3%)	231 (181)	178 (236) 87.3%	166 (178)	
Number of complaints submitted to direct supervisors		126	95	67 (95)	88 (67)	
Supervisors found justified	73			3	3	
Supervisors found unjustified				64	85	
Complaints submitted to ICD	85	142	202	137	95	661
ICD found justified	20 (23.53%)	27 (19.01%)	47 (23.27%)	23 (16.79%)	14 (14.74%)	131 (19.82%)
ICD found unjustified	65 (76.47%)	115 (80.99%)	155 (76.73%)	114 (83.21%)	81 (85.26%)	530 (80.18%)

The analysis of follow-up measures recommended by internal affairs mechanisms (ICD, Police Ethics Board and Disciplinary Commission) indicate that there is a decrease in both criminal charges and misdemeanour charges (See Table 4: Follow-up measures recommended by internal affairs mechanisms, Annex 4) and those disciplinary measures are most frequently taken. Some units seem to be more susceptible to misconduct, such as special police units, intervention units, border police and the sector for close protection of persons. The most frequent disciplinary infringement is verbal or physical assault (threat or participation in fight). The public perception survey ratified this tendency, adding that the most typical causes of complaint: excessive use of force, forceful testimony, disrespect and malevolence, and discrimination based on gender or ethnicity.¹⁵ It is important to point out that the police reports

¹⁵ The most famous case is mistreatment of Aleksandar Pejanović in custody in 2008. On 11 June 2010 the Podgorica Basic Court sentenced police officers Milan Kljajević and Milanko Leković to five months in prison and Ivica Paunović and acquitted three other police officers: Bojan Radunovic, Dobrovoje Đurišić, and Goran Stanković. The convicted police officers appealed. In response to statements made by Stanković, the Prosecutor's Office started and then stopped a new trial. Aleksandar Pejanović then filed a legal case against Radunović and Đurišić. In December 2009, during the trial, Stankovic alleged that several of his colleagues, mostly supervising and higher ranking officers, committed a series of offenses related to ordering, enabling, and covering up the torture of Pejanović, including forging official records. ICD then counter-filed charge against him for other incident. The second most famous case is a raid on Spuž Prison in 2005 reportedly ordered by former Podgorica police chief Milan Vujanović.

do not contain data on the measures taken to address deviant behaviour in units that fail to meet the requirements of national regulations and international standards. The analysis of complaints indicates that out of 164 (182) justified complaints only 38 were against senior managers¹⁶. In addition, civil society organizations (NGOs) at interview noted that police officers found responsible for violating rules of service, as well as senior officers implicated in cases of torture, remained on duty.¹⁷ Indicatively, the US State Department Report on Human Rights in Montenegro in 2010 listed police mistreatment of suspects in detention and police impunity amongst the principal human rights problems in Montenegro. According to the Council of Europe's Commissioner for Human Rights, who visited the country in 2008, there were few criminal proceedings against law enforcement officers for extortion of evidence, mistreatment, torture, or abuse of office, and those that occurred were not efficiently conducted. Courts rendered verdicts only in a small number of reported cases but sentences were limited to admonitions, suspended sentences and fines.¹⁸

Dysfunctional complaints system

The worrying finding from the public perception survey is that a little over half of those polled (55%) stated that, in their opinion, it is not worth filing a complaint against the police.¹⁹ However, on a more specific question, when asked if they would press charges and/or report a case of harassment by police: 59% responded that they would report, 40% would not report the case²⁰. The reasons for not-reporting are indicative of a dysfunctional complaints system. Almost a third of respondents (31.1%) distrust the system completely, claim that to make a complaint is futile. More seriously, 27.7% claimed that they would fear the consequences of making a complaint against the police. While 26.4% believed it was too difficult to prove a case of police abuse, another 14.8% admitted to be unaware to whom to complain.²¹

Few Montenegrin NGOs specialized in monitoring human rights (Youth Initiative for Human Rights – YIHR, Human Rights Action – HRA, CEDEM) noted that citizens reporting misdeeds of police officers faced difficulties: investigations of such cases were slow, evidence was difficult to obtain, and officers often remained on duty while they were being investigated.²² Another practice that contributed to the reported reluctance of citizens to report police mistreatment was police filing counter-charges against individuals who reported police abuse. YIHR reported that in 2010, this practice was less used. Such practices could indicate that the police had actively resisted the complaints system with a relative impunity.

There is a need for continuous and innovative promotion and education campaigns about the ways, safeguards and effects of pressing complaints against police officers. While a breakdown of the number of complaints, number of complaints substantiated and unsubstantiated, the number of complaints consolidated, and the reprimands that were given is usually available in the annual report of Police Administration, it lacks analysis and qualitative data e.g. on type of complaints and the units against whom there are the most complaints. The Mol should ensure that analyses, recommendations and other relevant ICD documents are publically available and published on its website, not just once a year as a part of the Mol annual report. Mol should also advertise the procedures for making complaints and inform the public that complaints are now under its jurisdiction. It is recommended in line with the OSCE Guidelines for Democratic Policing²³ that complaint data is analyzed together by the Mol, police and a group of external experts to identify the underlying causes of misconduct and to address these causes directly. It is also recommendable that the parliamentary Committee for Security and Defense annually coordinates a meeting of all authorities in charge of receiving and investigating complaints. It should also be responsible for reviewing investigations carried out by the law enforcement agencies them-

16 Additional questions, political criteria question 48, p. 127.

17 This was quoted both in interviews carried for this report and in *the U.S. State Department's Report on Human Rights in Montenegro in 2010*, p. 4.

18 Statistical overview of ICD work is available on the police directorate official website.

19 Bešić, Miloš (2011) *The Attitudes of Citizens of Montenegro about the Police and Security Problems* (Podgorica: CEDEM & OSCE Mission to Montenegro), figure 36, p. 22.

20 Ibid. figure 39, p. 24.

21 Ibid, figure 40, p.25.

22 *The U.S. State Department's Report on Human Rights in Montenegro in 2010*. p.4.

23 Kevin Carty (2006) *The Guidebook on Democratic Policing* (Vienna: OSCE), p. 141.

selves and making recommendations on disciplinary action or imposing sanctions in order to monitor the effectiveness of the complaints system.

This problem-oriented approach would make it possible to identify those officers who repeatedly attract complaints and to apply remedies such as counseling, training, and changes in assignment. Furthermore, complaints data could be used to identify police policies, tactics and trends in behaviour that fail to meet requirements of national regulations and international standards, which carry the potential for significant numbers of complaints and therefore need to be reviewed and/or changed.²⁴

So far, the perception of impunity is enhanced by the fact that both ICD and police management have failed to monitor identified trends in police complaints. Moreover, police officers against whom repeated allegations have been made should be subject to further investigation and temporary suspension of duties.

Police Ethics Board

The Code of Police Ethics was adopted in 2006 and it is harmonious with the European Police Ethics Code (Recommendation Rec (2001)10). It was printed in 2008 with the support of the OSCE Mission and distributed to all police officers. A newer version of the Code of Police Ethics is currently under development, so that a new power would be given to the Police Ethics Board, to give the Police Administration employees a warning or serious warning, as a repressive aspect of its activity.

The Police Ethics Board was formed in 2006. It has seven members: four representatives from the Police Administration and three representing the MoI, Police Academy and human rights NGOs. They rule on cases submitted by police managers, citizens, NGOs, the Council for Citizens Control of Police Work and so on. In 2009, the Board analyzed 55 cases, out of which 53 were delivered to a disciplinary prosecutor and in two they concluded there was no breach of the Code of Police Ethics. In 2010 it analyzed 45 cases, out of which 34 were delivered to a disciplinary prosecutor and seven have been returned to initiators for improving or amending, due to lack of statements from witnesses, victims or the accused; lack of medical documentation; official reports; and documents about the use of physical force etc. The Police Ethics Board in four cases concluded that there was no breach of the Code of Police Ethics.

The Board has sessions at least once a month to monitor police conduct. In addition to working sessions it also regularly holds consultative sessions to act preventively and educationally. On several occasions—acting upon the reports made by the Council for Citizens Control of Police Work, NGOs, citizens or police managers—the Board sent all Police Administration's managers and organizational units instructive or warning dispatches, how to act in cases with minority communities, specifically in relation to Roma, LGBT population, school youth, drug addicts and similar. It also reacted on the misuse of official vehicles.

The main flaw of the current Code of Police Ethics is that the Police Ethics Board's opinion is a prerequisite for action to be taken by the disciplinary prosecutor, but that it is not obligatory.²⁵ In cases where an officer's direct supervisors found that justified and founded, disciplinary procedures were initiated and documentation relevant for a case was delivered to a competent prosecutor to assess if actions or procedures of a police officer in question contained some elements of a criminal act subjected to prosecution *ex officio* and to the Board to determine the ethical aspect of a police officer's conduct. The Board members advised that their recommendations for more serious breaches of the Code of Police Ethics should become obligatory for Disciplinary Prosecutors. The Police Ethics Board's role should be strengthened, *inter alia* by reviewing the existing Code. It should communicate to the public through all media, and it should more often visit the Police Administration's organizational units to directly perform its educational and prevention role in the field.

Independent State Bodies

The **Council for Citizens Control of Police Work** is another mechanism of the external oversight of policing. In his 2001 OSCE report *Policing in the Federal Republic of Yugoslavia*²⁶, Richard Monk high-

24 Ibid. pp. 41—42.

25 <http://www.dan.co.me/index.php?nivo=...&clanak=206239>

26 Monk, Richard (2001). *A Study on Policing in the Federal Republic of Yugoslavia*. Vienna: OSCE, p. 13.

lighted the need for an independent authority that could demand from police to documents and other material as evidence, and that could call police officers or other police support staff to testify before it. He recommended that such an authority should also be able to oversee “any internal investigation being undertaken and to intervene or require a complaint to be reinvestigated.”²⁷ The 2005 establishment of the Council for Citizens Control of Police Work was included in the Law on Police. It is an independent external oversight body that assesses police work, primarily to protect human rights and freedoms. This body is established and elected by the Assembly of Montenegro. The Council is comprised of five members representing human rights’ NGOs, the University of Montenegro and three semi-official associations: Bar Association, Medical Doctors’ Chamber and Association of Legal Professionals.

The Council has its Rules of Procedure (March 2012) that regulates its authority and competences. It has competences over the public oversight of police, the controlling and monitoring of application of police competences, protection of human rights and freedoms of citizens, implementation of the Law on Police and other relevant domestic legal documents (LoP, Article 93). It can discuss complaints from citizens or police officers and can initiate its own investigations. The Police Administration is legally obliged to provide information and documents requested by the Council. Its assessments and recommendations are submitted both to the Police Director and to a party which initiated a case (Rules of Procedure, Article 14). The Police Director is obliged to inform the Council about the measures taken. The Council also has regular biannual meetings with the Police Director and senior staff of the Police Administration. On top of reacting to complaints, the Council also proactively fulfils its police oversight role by producing recommendations for the Police Administration, some of which have been aimed at depoliticisation of policing. If the Council is not satisfied with the action taken by the Police Director, it can inform the public and notify the Assembly. So far the Council members have been very active in performing their role and are noticeably more visible in media than are members of other oversight mechanisms. Despite its comparative advantage in relation to other oversight mechanisms, it has been criticized by human rights NGOs for not having more regular and substantial consultations with those organizations that deal with legal aid and could also contribute to the Council’s analysis of trends.

The role of the Council was initially quite unclear. For instance, during the period before the independence referendum, the Council lukewarmly reacted to political persecution of police officers who supported the federal union with Serbia. Up to a hundred were transferred to work outside the place where they lived, which prompted them to quit the job. However, the Council soon gained prominence, primarily through the activities of the member representing human rights NGOs. In the period 2005-2008, the Council addressed more than 400 cases.²⁸ The Council reported on cases of misuse of police authority, particularly against Roma and other minorities, but cases also related to police torture or inappropriate behaviour of traffic police. In some cases, police failed to respond to these recommendations. The NGO member of the Council publicly accused the Police Administration of failing to adequately punish some officers found to have abused their office. The police rejected those claims as unfounded. It should be noted that the Committee on Security and Defense has the possibility to involve Council members in its working sessions, yet this has been the practice only once. Connecting the two institutions would most likely bring about positive synergy and much more accountability of the sector. The Council is lacking in resources to pursue its remit more actively. It requires permanent offices and administrative support. Put simply, better coordination and co-operation should be the aim of the Committee and the Council in future.

The Protector of Human Rights and Freedoms (Ombudsperson) was established in 2003 as an independent authority whose central task is to ensure that state authorities respect human rights in their work. The public can address complaints to the Ombudsperson, who will then carry out an independent investigation. The findings, views, opinions and recommendations of the Ombudsperson are annually presented to the parliament and the general public. A relatively small number of complaints against police were sent to the Ombudsperson (e.g. 34 in 2010), as citizens are more inclined to address their complaints to the Council for Citizens Control of Police Work. The Office receives a small number of complaints from police officers and these are usually related to the alleged flaws in the process of getting a job with the Police Administration or about non-renewal of annual work contracts in the police service.

27 Ibid.

28 *Report on Civic Control of Police Work 2005-2008*. Available at: [http://www.hraction.org/wp-content/uploads/gradj_kontrola_policije_u_cg_2005-2008.pdf](http://www.hrraction.org/wp-content/uploads/gradj_kontrola_policije_u_cg_2005-2008.pdf)

The current financial and human resources of the Ombudsperson's Office are not sufficient to carry out all its tasks efficiently. The staff of the Office of the Protector of Human Rights and Freedoms lack specialized training in dealing with the cases of police accountability, except in relation to the detention. Significant authority was given to the Ombudsperson in regard to accessing information stored by state institutions no matter what the level of secrecy (Article 36).

A new Law on the Ombudsperson, extending the Office's jurisdiction to the prevention of torture and ill-treatment, was adopted in July 2011. Detainees or prisoners can address the Ombudsperson in a sealed envelope which must be handed to him unopened. This has been initiated on foot of a report made by Europe's Committee for the Prevention of Torture (CPT) in 2008. This report noted that CPT mission members had heard many accusations of police mistreatment of persons in their custody, primarily in the first hours of detention in an effort to extract confessions. Both men and women complained of "slaps, punches, and kicks and blows with truncheons, gun butts, or other hard objects."²⁹ Ombudspersons' recommendations about police detention facilities have been received by the Police Administration which accordingly took steps to improve conditions and significantly invested to upgrade facilities for detention. The US State Department's Report on Human Rights in Montenegro for 2010 notes that "occasional cases of violence continue to be reported, in particular in police stations. Processing of reported cases continues to be slow. The number of final judicial decisions remains low."³⁰ It is therefore necessary to continue efforts to prevent the mistreatment and torture of suspects in police detention.

Oversight Performed Through Judicial Branch

An independent, impartial and functioning judiciary is key for ensuring the legal accountability of police, by ruling on cases brought against police officers, as well as by hearing appeals against decisions of police oversight bodies (e.g. Disciplinary Commission, police director). In addition, the judiciary is also the body which approves on the necessity for the use of special investigative measures by the Police Administration and the National Security Agency. It needs to be said that the legislative and executive branches in Montenegro have been criticized for failing to respect the judiciary as a separate branch of power. A number of cases have been reported where state institutions, especially the police, did not act upon court orders. For example, detention orders have been ignored, usually without giving any explanations. In addition, in complex cases, police and prosecution have failed to hand evidence to defense (Example A.M. High Court in Podgorica, where evidence had been obtained through the use of special investigative measures)³¹. The U.S. State Department HR Report for 2011³² also notes that delays in processing some allegations of police abuse at times led to their dismissal by the courts because they had not been filed in a timely manner.³³ In 2010, the domestic NGO YIHR reported that the number of cases in which police and other security officers were involved in torture was lower than in the previous period, but the number of cases of politically motivated violence was at a "level to cause concern".³⁴ This is also confirmed in the last European Commission report which notes that police failed to provide protection for human rights defenders and media. This is a worrying trend as it might influence freedom of political competition.

29 CoE, *The 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 from 15 to 22 September 2008*, (CPT/Inf (2010) 3), p.14.

30 *The U.S. State Department's Report on Human Rights in Montenegro in 2010*, p.

31 CEDEMs report on monitoring justice system in Montenegro. Available at: http://www.cedem.me/fajlovi/attach_fajlovi/pdf/izvjestaj-o-izvršenom-monitoringu-2011-10-3.pdf

32 State Department Human Rights Report – Montenegro 2010. Available at: <http://www.state.gov/g/drl/rls/hr-rpt/2010/eur/154441.htm>

33 For example, in September 2009 the Basic Court in Podgorica cited this reason when it shelved the indictments of police officers Darko Delić, Darko Knežević, Dragan Krstović, Velimir Rajković, and Slavko Minić, who had been accused of mistreating Milovan Jovanović.

34 On June 25, 2010 a group of young men attacked the teenage son of the opposition Movement for Change party leader Nebojša Medojević, inflicting minor injuries. Three men were arrested. The attack followed a physical assault on Medojević himself outside his home earlier in the year, shortly after he had given a high-profile interview during which he publicly named a suspected criminal figure. Medojević asserted the attack was politically motivated. The Police Administration strongly denied the claim; however, the Council for Citizen of Police concluded that police exceeded their authority by expressing a view about the lack of political motivation for the incident.

It is worth also noting the concern expressed by CID personnel in police perception survey over aspects of the newly adopted criminal procedure legislation that aims to pass legal authority to the prosecutor's office for the interrogation of suspects.

There are a number of aspects that cause police to be unhappy. Firstly, the amount of time between arrest and charging a suspect has been limited to twelve hours. Police say that this is not enough time. It would appear that police are used to spending more time on interrogating suspects that had no/limited access to legal representation. The perception might be framed in terms of a general anxiety that police autonomy in criminal investigations would be diluted by the presence of a prosecutor. His or her potential as an agent of internal oversight would provide suspects with legal rights that might make investigations more difficult to pursue.³⁵

This is confirmed in the report of NGO Human Rights Action that notices another worrying practice that

[A] Judge rarely immediately summons a detained person for questioning, especially on weekends. [...] Moreover, the police appear to resort to the following unwholesome practice: after the defense counsel appeals their detention order, they do not forward the appeal to the investigating judge but issue a decision revoking the detention order and even state that the competent prosecutor and investigating judge have been duly notified thereof. There is a real risk of such conduct becoming regular practice given that neither the state prosecutor nor the court took any steps against such blatant excess of powers by the police.³⁶

Therefore it is key to ensure adequate training and supervision for implementation of new legislation, so to avoid 'a traditional reliance on interrogation and confession' and replace it by a more technical and procedural approach in conformity with human rights standards.

5.4 Financial Accountability

The police service in Montenegro costs the taxpayer more than EUR 60 million per year. The size of this budget and the importance of getting good value for public money call both for good management within the police service and for close, expert scrutiny by those responsible for holding the police accountable. The **State Audit Institution (SAI)** was commenced in 2004 when the Law on SAI was adopted. SAI is constitutionally defined as the supreme financial controller. It functions independently (both legally and financially) of the Government of Montenegro. It is in charge of institutional, external, independent, professional and impartial control of the budget expenditures. The SAI was set up to control 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 the audits, and how the audits will be conducted. The relevant competence for oversight of financial functioning of police is that SAI has the right to start the audit without prior announcement and the audited unit has an obligation to make available to the SAI or its authorized person all requested information and documents including information of confidential nature or documents which are classified as confidential. Proper financial management is preserved by provisions prescribing that SAI is to inform the President of Montenegro, Speaker of the Parliament and the Prime Minister about circumstances of confidential nature, which have caused or may cause financial or other damage of larger extent. Also, the SAI is mandated to report without delay on the audited unit if reasons for claiming damages have been found. It is important to mention that SAI, without delay, has to bring criminal charges, if during the audit procedure it determines that there is reason to suspect that a criminal offence has been committed (Law on SAI, Article 23). The main issue of concern regarding the SAI's work occurs where the Government and Ministries follow SAI recommendations very late or they do not implement them at all in most cases.³⁷ The SAI conducted an audit of Mol in 2009 and of Police Administration and Police Academy in 2010.

The financial transparency of the security sector is most certainly impeded by the fact that the police, as well as the military and the National Security Agency are excluded from the regular process of public

35 Ryan, Barry (2010) *Report on Police Perceptions and Police Reform* (Podgorica: the OSCE Mission to Montenegro), p. 21.

36 Tea Gorjanc Prelevic (ed) (2011), *Human Rights in Montenegro* (Podgorica: Human Rights Action), pp. 209–210.

37 SAI: The Government poorly implements auditors recommendations. Marija Mirjačić. *Vijesti*: 17/11/2011.

procurement, and therefore not obliged to publicize details of their procurement processes³⁸. Article 3 of the *Law on Public Procurement* entitles cases of exemption from enforcement of the Law, regulates exemption of standard procedures which are valid for public procurements and the cases are the following: procurement of armament, ammunition and other materials necessary for defense and security of the State. Therefore standard procedures of public procurement transparency are not compulsory when it comes to national security. Moreover, the procedure of opening a public tender for all interested bidders is also exempt while tenders are contracted by direct negotiation behind closed doors. The possibility to classify some materials as necessary for national security currently leaves too much space for the misuse of funds. The example which arose during a number of interviews concerned the construction of the new Police Administration building for 13 million Euros without a public tender.³⁹ Another serious impediment in this process is the reluctance of the Parliamentary Committee on Security and Defense (PCSD) to inform the public of whether or not the security providers are using resources in accordance with the law. The SAI and the Commission for Public Procurements have not initiated criminal processing, while the police have submitted only three criminal charges in the period of three years for the suspicion of misuse of official position in the process of public procurement.⁴⁰ The public is not informed whether the court has adopted any decision in this area. The SAI staff should be trained to oversee procurement for 'special purposes', which are excluded from the regular public procurement system. They should also be trained to oversee payments allocated to special operational needs (e.g. controlled delivery), additional revenues from the provision of police services, including extra-budgetary resources intended for the improvement of police work in the form of aid or donations coming from the non-governmental or other legal entities.

5.5 Transparency and Protection of Personal Data

Transparency is one of the main preconditions for oversight exercised by NGOs and media. It seems that remnants of socialist era thinking where security matters were considered as strictly reserved for the executive and not up to civil society to question or examine are still present today. Free access to information was granted by both the constitution and a separate law, the *Law on Free Access to Information*⁴¹ adopted in 2005. The law does not provide for adequate protection of right to access to information. For example, very often institutions deny access to information by claiming that it is of a confidential nature. A person or group that made the request can then appeal to the Administrative Court about being denied access. However it would appear that the decision of this court is *de facto* not binding. A number of instances have been recorded where an institution found to have unlawfully denied access to information ignore the court decision, without being subject to any negative consequences. Put simply, the right to free access to information is granted in theory but often denied in practice. Statistics of MANS show that institutions that not obey this law completely include *inter alia* the Police Administration, Ministry of Justice, Supreme Public Prosecutor's Office and the Ministry of Finance.⁴²

The number of requests to state institutions based on the Law has increased in recent years. The majority of these requests emanate from civil society organizations while a small portion are coming from the general public. This increase in requests suggests an increased willingness by the public to exercise their right to information. Further evidence of increased transparency is evident in co-operation between security sector agencies and civil society in the form of joint meeting consultations, training exercises, seminars, and so on. The Government's Human Resources Administration has also organized 35 seminars about implementing the Law on Access to Information of Public Importance, with participation of more than 500 people employed in governmental institutions. The Law refers to approximately 900 actors in Montenegro. So far only a small number of employees who are in charge of implementing the Law participated in such seminars. The Law on Protection of Personal Data, adopted in 2008 and

38 As envisaged by the Decree on Foreign Trade Funds for Special Purposes. Adopted by the Government of Montenegro on 21 October 2010.

39 Article in *Vijesti*. Available at: <http://www.vijesti.me/vijesti/mup-besplatno-koristi-zgradu-koju-je-kupio-aco-dukovic-clanak-11168>

40 Institut Alternativa, *Javne nabavke u Crnoj Gori – Transparentnost i odgovornost*, [Public Procurement in Montenegro – Transparency and Accountability], pp. 5-6., Ibid, p. 6.

41 Adopted on 8 November 2005.

42 Ristović, B., 2010, Građani traže informacije ali se zahtjevi i odbijaju, *Vijesti*, 28 September.

amended a year later, is harmonized with international standards concerning this issue (Convention for the Protection of Individuals from 1981, along with the Directive 95/46 of the European Parliament). The Agency for Protection of Personal Data, an independent body in the Law on Protection of Personal Data, took charge of monitoring and implementing the Law in 2010.

5.6 Political accountability – Parliamentary Committee for Security and Defense

The Parliamentary Committee for Security and Defense (PCSD) was established in July 2005. It is composed of 13 MPs – eight from the two ruling parties and five representing the opposition. Not a single female MP has ever been a member of this committee since its establishment. The Committee Chairman Mr. Mevludin Nuhodžić is a member of the ruling coalition. The position of the Deputy Chairman should belong to the opposition, but remains vacant since Mr. Goran Danilović of the New Serbian Democracy resigned from this post. Political parties consider it to be one of the most important, which is reflected in the fact that they delegated a number of senior officials and veteran MPs to sit on this Committee. Although relatively passive in its formative years, the Committee is increasingly active. As of 2010, its work is not regulated only by the rules of procedure, which is the case with other parliamentary committees, but also by the Law on Parliamentary Oversight within the Area of Security and Defense.⁴³ It can indeed be stated that the legal framework for parliamentary oversight is now sound, but the actual practices of the Committee have yet to catch up in terms of using their powers and authority effectively.

Table 5: Composition of the Committee for Security and Defense since 2009

Political Parties represented at the Committee		Number of MPs on the Committee		
Ruling Parties	Democratic Party of Socialists	6	8	13
	Social-Democratic Party	2		
Opposition Parties	Socialist People’s Party	2	5	
	New Serbian Democracy	1		
	Movement for Changes	1		
	The Caucus of Albanian MPs ⁴⁴	1		

The Law on Parliamentary Oversight within the Area of Security and Defense extends the mandate of MPs to control the entire security sector and encourages them to be more proactive by obliging the Committee to adopt annual action plans for the control and oversight of the security sector. The first such plan was adopted for 2011. In addition, the law gives the right to one third of PCSD members during the regular sessions of the Parliament to hold a Committee session with one topic on the agenda. This is important as it prevents a majority from blocking oversight initiatives as it is enough to have four interested MPs to influence agenda of the Committee. Among other things, this legislation stipulates that the PCSD, unlike all other committees, submits an annual report to the Assembly of Montenegro. This is expected to improve the work of the Committee, which has usually been *ad hoc* and reactive. An increasingly proactive approach to the exercise of oversight over police and other parts of the security and criminal justice sectors will be needed. In the past, for example, 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. PCSD should start organizing annual coordination meeting of

43 http://www.skupstina.me/cms/site_data/IVANA/ZAKONI/ZAKON%20879.pdf

44 Mr Mehmet Bardhi is an MP representing the coalition of two ethnic Albanian parties, Democratic Union of Montenegro and Albanian Alternative, and is the leader of the former. Two more parties, represented by one MP each, are also taking part in the Caucus of Albanian MPs.

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 analyze effectiveness of complaints system.

PCSD has several times in the past discussed the proposed budget referring to defense and security. The Committee has concluded that the budget was planned validly. Also, Police Director regularly submits annual reports on Police Administration to the PCSD (which is a legal obligation), but also if there is a need for an extraordinary hearing officials are rather prompt to appear before the Committee and answer the questions of MPs (for instance, sessions about the investigation against the Šarić criminal gang). PCSD has several times organized hearings of the Police Director and “enquiries and hearings held on specific cases demonstrated the commitment of the committee members across the political spectrum to exercise their duties in an independent and professional manner”.⁴⁵ There was no case in which the representatives of security sector institutions did not show up at a PCSD session to answer MPs’ questions. There is a history of classifying all information as secret and declassifying them only at special request. Such limited access to information weakens the PCSD oversight function and its members—already bound by the security mechanisms and rules of keeping the sensitive information secret—should be given more access. Members of the PCSD have the right to access any kind of information regardless of the level of secrecy. The PCSD has never exercised this right in regards to oversight of police use of special investigative means. The work of the PCSD is covered widely in the media, and recently there were successful attempts to involve civil society in the work of the Committee⁴⁶. It has been noticed by some members that the quality of work is higher in closed sessions without the presence of the press, but this should not become a guiding principle as the public in principle have the right to be informed, unless ongoing operations are being discussed.

5.7 Recommendations

1. In the next strategic reform period, it is imperative that the competences for investigation of police misconduct and corruption be more strictly divided among internal affairs mechanisms. This would for example mean that, after the relevant legislative changes, the ICD would be in charge only in cases involving the investigation of criminal offences, while the Police Ethics Board would continue addressing minor offences.
2. The Parliamentary Security and Defense Committee should ensure adequate horizontal co-operation among different oversight mechanisms (e.g. internal affairs and external mechanisms – Council, Ombudsperson, and parliament) and by doing so to provide integrated police accountability to citizens. For this purpose, the Security and Defense Committee should at least once a year hold a committee 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 analyze effectiveness of complaints system.
3. Police leadership should tackle widespread perceptions of corruption and links to organized crime and impunity, by publicizing 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 organizational process 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.

45 COMMISSION STAFF WORKING DOCUMENT Analytical Report accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Commission Opinion on Montenegro’s application for membership of the European Union {COM(2010) 670 final}, p. 11.

46 For example, NGO Institute Alternativa from Podgorica has done the expert study *Comments on the Draft Law on Parliamentary Oversight within the Area of Security and Defence*. MPs from PCSD had insight in the document. Some of the Institute Alternativa’s comments have been accepted in drafting the final version of the Law.

4. ICD should fully use its competencies by not only reacting to upon citizens complaints, but also taking on initiative to follow-up more general conclusions and recommendations made by the other oversight mechanisms and investigate officers or units that are more frequently complained against or are more than once found guilty for misconduct. ICD should do more preventive actions when legal competences are clear. So far they have only did campaign for complaints and a separate number for complaints. They should significantly intensify co-operation with human rights NGOs, as well as take part in meetings with local communities once these are established within community policing. The ICD should not only suggest measures to be taken against individuals who were proved guilty, but also propose measures to be taken to address and change the police policies, tactics and trends in behaviour in these units that fail to meet requirements of national regulations and international standards.
5. There is a need for continuous and innovative promotion and education campaigns about the ways, safeguards and effects of pressing complaints against the police officers. Mol should advertise the procedures for making complaints and inform the public that complaints are now under its jurisdiction. For this purpose, the Mol should ensure that analyses, recommendations and other relevant ICD documents are publically available and published on its website, not just once a year as a part of the Mol annual report. The ICD report should contain analysis and qualitative data e.g. on type of complaints and the units against whom there are the most complaints, besides a breakdown of the number of complaints, number of complaints substantiated and unsubstantiated, the number of complaints consolidated, and the reprimands that were given. It is recommended in line with *the OSCE Guidelines for Democratic Policing* that complaint data is analyzed by the police together with external expert groups to identify the underlying causes of misconduct, and to address these causes directly.
6. The leadership of Police Administration and Mol should ensure that ICD has a real-time access to the police databases with the changes of *Annex of Agreement between the Mol and PA on the Use of Personal and Other Data*. Every access to police databases should be recorded, so that the misuse of personal data is prevented. ICD should be also provided with timely and complete assistance of relevant police units for use of forensics and special investigative means.
7. The perception of integrity of police internal affairs should be improved by carefully planned measures that would address key public concerns: credibility of PDT investigating staff, impunity for higher ranks and lack of suspension for officers who are investigated for accusations of torture. The perception of ICD's staff integrity needs to be improved both within the police and among civil society. This could be done by marketing internally the job in this unit as an advantage for promotion to the top police management positions. The external image could be promoted by careful vetting of candidates so to ensure the personal integrity of selected staff. Police officers against whom repeated allegations have been made should be subject to further investigation and if necessary temporary suspension of duties.
8. The recommendations of Police Ethics Board for more serious breaches of Police Ethics Code should become obligatory for Disciplinary Prosecutor. The Board's role should be put closer to the public through all media, and it should more often visit the Police Administration's organizational units to directly perform its educational and prevention role.
9. The Assembly of Montenegro should ensure that the Council for Citizens Control of Police Work gets permanent offices and administrative support. Its members should encompass a number of stakeholders that they consult in order to identify key weak points of police accountability. For this purpose they should have more regular and substantive consultations with human rights NGOs, as well as a better coordination and co-operation with the Security and Defense Committee.
10. The staff of the Ombudsperson (Office of the Protector of Human Rights and Freedoms) needs specialized training in dealing with the cases of police accountability, except in relation to the detention. The Ombudsperson should also institutionalize co-operation with the Council for Citizens Control of Police Work so to get more complete picture of size and quality of police misconduct.
11. Police leadership should ensure adequate training and supervision of CID staff for implementation of new Criminal Procedure Act, so to avoid 'a traditional reliance on interrogation and confession'

and replace it by a more technical and procedural approach in conformity with human rights standards.

12. The SAI staff should be trained to oversee procurement for 'special purposes', which is excluded from the regular public procurement system. They should also be trained to oversee payments allocated to special operational needs (e.g. controlled delivery), additional revenues from the provision of police services, including extra-budgetary resources intended for the improvement of police work in the form of aid or donations coming from the non-governmental or other legal entities.
13. 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.
14. An increasingly proactive approach to the exercise of oversight over police and other parts of the security and criminal justice sectors will be needed. In the past, for example 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.
15. A comprehensive risk analysis should be taken to identify situational opportunities for corruption; e.g. jobs and police tasks most vulnerable to corruption, as well as organizational process conducive to corrupt behaviour (e.g. confidential procurement, non-transparent promotion policy); and followed by the adequate preventive and sanctioning measures.

ANNEX I: CHRONOLOGY OF MAIN POLICE RELATED EVENTS IN MONTENEGRO 2006-2011

MAY 2006	Independence of Montenegro was voted for at the referendum.
June 2006	Government adopted the Strategy of National Security.
September 2006	The first Parliamentary elections in independent Montenegro won by the "For a European Montenegro" coalition (DPS, SDP).
September 2006	Montenegro accepted as Interpol member at the annual assembly in Rio de Janeiro.
September 2007	The editor-in-chief of the <i>Vijesti</i> daily Željko Ivanović physically assaulted.
October 2007	The Parliament adopted the new Constitution.
October 2007	Preparatory phase of the Community Policing Project.
December 2007	Parliament ratified the Police Co-operation Convention in South East Europe (Vienna Convention).
Late 2007	Police Administration of Montenegro and the Swedish National Police Board started the bilateral project <i>Strengthening of the Intelligence-Led Policing in Montenegro</i> .
May 2008	The European Commission presented roadmap setting out a number of benchmarks for visa liberalization with Montenegro.
September 2008	SEPCA's conference declared Montenegro's model of community policing the best in South East Europe.
October 2008	Montenegro recognized the independence of Serbia's breakaway Kosovo province. Opposition organized demonstration against this decision, which end up in a riot in Podgorica. Police banned further gatherings.
November 2008	The new National Security Strategy adopted, this time by the Parliament.
December 2008	The Forensic Centre in Danilovgrad officially opened.
December 2008	Montenegro submits its application for EU membership.
January 2009	The Police Administration's European Integrations Team created of the Boarder Police Sector, Criminal Investigation Sector, Department for International Co-operation and European Integrations and Department for Planning, Development and Analytics.
March 2009	Parliamentary elections again won by the "For European Montenegro" coalition (DPS, SDP, BS).
May 2009	Police Administration signed working arrangement with Frontex.
June 2009	Minister of Interior Jusuf Kalamperović of SDP replaced by Ivan Brajovic from the same party.

June 2009	Memorandum on Co-operation between the State Prosecutor's Office and Police Administration signed, with the aim of improving co-operation and information exchange in investigation and prosecution, especially of corruption and organized crime.
July 2009	The Communication and Operational Centre for the electronic surveillance on water becomes operational.
July 2009	Parliament adopted Law on ratification of agreement on strategic co-operation between Montenegro and the European Police Office.
July 2009	Parliament adopted the new Law on Criminal Procedure.
August 2009	The first Montenegrin police liaison officers appointed at the SECI Centre in Bucharest and Interpol General Secretariat in Lyon).
October 2009	Parliament adopted the Law on Boarder Control and amended the Law on Foreigners.
November 2009	EU decided to establish visa-free regime with Montenegro, Serbia and the Former Yugoslav Republic of Macedonia.
November 2009	Parliament amended the Law on Data Secrecy.
December 2009	Law on Amendments of Law on Police adopted. The main novelty relates to restoring Internal Control over Police within the Ministry of Interior. Before the amendments internal control unit was integral part of the Police Administration.
December 2009	Parliamentary Committee for Security and Defence voted in favor of the proposal of the Minister of Interior Ivan Brajović to re-elect Police Director Veselin Veljović for another year.
January 2010	Mayor of Budva and his associates arrested in the Cape Zavala corruption case.
February 2010	Agreement on the creation of the Joint Investigative Team signed between the State Prosecutor's Office, Police Administration, Tax Administration, Customs Administration and Administration for the Prevention of Money Laundering and Terrorist Financing.
April 2010	Parliament amended the Criminal Code and the Law on Protection of Persons and Property.
July 2010	Parliament amended the Criminal Procedure Code and the Law on Classified Information.
December 2010	Prime Minister Milo Đukanović and Vice-Premier Svetozar Marović resign. Igor Lukšić elected as the Prime Minister.
December 2010	The European Council gives Montenegro a conditioned EU candidate status.
December 2010	Montenegrin Parliament adopted the Law on Parliamentary Oversight within the Area of Security and Defense. The adoption supported by both the ruling parties and the opposition.

- December 2010** The Government of Montenegro adopted the Strategy for Development and Functioning of Police 2011-2013.
- January 2011** Montenegro became a member of Initiative for International Police Cooperation within the area of Anti- Terrorist Activities.
- March 2011** The Government of Montenegro adopted the Action plan for the Implementation of the Strategy for Development and Functioning of Police 2011-2013.
- April 2011** Montenegro took over the rotating one-year chairmanship over the Southeast Europe Police Chiefs Association (SEPCA). Police Director Veselin Veljović unanimously elected SEPCA President.
- June 2011** The Parliament amended the Law on Protection and Rescue, the Law on Foreigners, and Criminal Code.
- July 2011** Two vehicles of the *Vijesti* daily burned. The assault occurred near the building of National Security Agency. Few weeks later, another vehicle of *Vijesti* set on fire in a similar way. Perpetrators have not been identified.
- July 2011** Parliament adopted the Law on DNA Registry and amended the Law on Misdemeanor.

ANNEX II: LIST OF INTERVIEWEES¹

MINISTRY OF INTERIOR

- Ivan Brajović – Minister
- Dragan Pejanović – Secretary of the Ministry of Interior

State Administration Sector

- Veselin Vukčević – Assistant Minister and Head of Sector

Sector for Protection and Oversight Affairs

- Vladimir Vukotić – Assistant Minister and Head of Sector

Emergency Management Sector

- Zoran Begović – Assistant Minister and Head of Sector

Administrative Home Affairs Sector

- Osman Subašić – Assistant Minister and Head of Sector
- Milanka Baković – Head of Department for Citizenship and Identification
- Sandra Bugarin – Head of Office for Asylum
- Abdulah Abdić – Head of Department for Foreigners, Migration and Readmission
- Olivera Jukić – Head of Department for Addresses and Passports
- Mira Radović – Head of Department for Weapons, Vehicles and Drivers

Common Affairs Service

Bureau for finance affairs

- Zoran Asanović – Head of Service

Bureau for Personnel and Legal Affairs

- Zorica Đukanović – Head of Bureau

Information Technologies Service

- Nataša Starovlah-Knežević – Head of Department

Department for Personal Data Protection

- Zora Čizmović – Head of Department

European Integration and International Co-operation Department

- Tatjana Krivokapić – Head of Department

¹ Positions were current at the time of interview

Department for Integrated Management of Border and Border Crossing Points

- Milan Paunović – Head of Department

Internal Police Oversight Department

- Veselin Šaranović – Head of Department
- Milan Adžić – Deputy Head of Department

POLICE ADMINISTRATION

- Veselin Veljović – Police Director
- Petar Krstajić – Chief of Police Director’s Cabinet
- Selma Mehović – Police Director’s Adviser (European Integrations and International Co-operation)
- Tamara Ralević – Spokeswoman

Operations and Communication Centre

- Vojislav Dragović – Head of Centre

General Purpose Police Sector (Uniformed Police)

- Nikola Janjušević – Assistant Police Director and Head of Sector

Public Peace and Order Department

- Radoman Irić – Head of Department

Prevention and Community Policing Department

- Željko Peković – Head of Department
- Dušan Baković – Deputy Head of Department

Traffic Security Department

- Dragan Klikovac – Head of Traffic Security Department

Border Police Sector

- Veselin Vukadinović – Assistant Police Director and Head of Sector

Department for State Border Surveillance

- Vukoman Žarković – Head of Department for State Border Surveillance

Department for the Control of Crossing the State Border

- Slavko Vojinović – Head of Department for the Control of Crossing the State Border

Operations Department

- Darko Radinović – Head of Operations Department

Department for Foreigners and Suppression of Illegal Migration

- Dragan Stevanović – Head of Department for Foreigners and Suppression of Illegal Migration
- Dejan Bojić – Risk Analyst

Bar Regional Border Police Centre

- Jozo Lukolić – Head of Regional Centre

Criminal Investigation Sector

- Milan Tomić – Assistant Police Director and Head of Sector

General Crime Department

- Dejan Bašanović – Group for the Suppression of Property-Related Crime

Department for the Suppression of Economic Crime

- Željko Nedović – Head of Group
- Slobodan Brajović – Head of Group

Department for the Fight against Organized Crime and Corruption

- Luka Gogić – Head of Group for the Fight against Corruption
- Dragan Radonjić – Head of Group for the Fight against Organized Economic Crime

Department for the Fight against Drugs and Smuggling

- Dejan Knežević – Head of Group

Special Verifications Department

- Ivan Jokić – Head of Group for Criminal Intelligence Analytics
- Dijana Keković – Legal Adviser

Witness Protection Unit

- Nikola Medenica – Head
- Darko Vujović – Deputy Head

National Central Bureau of Interpol

- Dejan Đurović – Head

Undercover Investigation Unit

- Mijo Bulatović – Head

Sector for the Protection of Persons and Facilities

- Miljan Perović – Assistant Police Director and Head of Sector

Sector for Human Resources, Legal Affairs, Telecommunication and Information Systems

- Dragoslav Minić – Assistant Police Director and Head of Sector for Legal Affairs
- Pavle Dragović – Head of Department for Human Resources Management, Planning and Development
- Ljiljana Nikolić – Head of Department for Telecommunication and Information Systems
- Tatjana Drobnjak – Head of Department for Telecommunication and Information Systems

Department for Planning, Development and Analysis

- Radovan Ljumović – Head of Department
- Zoran Talović – Head of Communications and Editor-in-Chief of *Policijski glasnik* police magazine

Forensic Centre

- Aleksandar Ivanović – Deputy Head of Centre and Head of Group for Evidence Management, Forensic Analytics and Quality Control

Special Police Unit

- Miloš Vučinić – Commander

Special Antiterrorist Unit

- Mladen Marković – Commander

Regional Police Units

Bar Regional Police Unit

- Vladan Laković – Head
- Mitar Adžić – Deputy Head (Criminal Investigation)

Berane Regional Police Unit

- Miodrag Božović – Head

Bijelo Polje Regional Police Unit

- Petar Šestović – Head

Budva Regional Police Unit

- Siniša Jokić – Head
- Velimir Furtula – Deputy Head (Criminal Investigation)

Herceg Novi Regional Police Unit

- Goran Banićević – Head
- Slavko Popadić – Deputy Head (General Purpose Police)
- Dragan Kontić – Deputy Head (Criminal Investigation)

Nikšić Regional Police Unit

- Dragan Blagojević – Head

Pljevlja Regional Police Unit

- Darko Ćorac – Head

Podgorica Regional Police Unit

- Predrag Ašanin – Head
- Jovica Raičević – Deputy Head (General Purpose Police)
- Branislav Živković – Deputy Head (Criminal Investigation)

POLICE UNION

- Dušan Vratnica – Head of Police Union
- Aleksa Tatar – Secretary of Police Union

POLICE ACADEMY

- Živko Šipčić – Head

THE GOVERNMENT OF MONTENEGRO

- Ivan Mašulović – Prime Minister’s Adviser (Security Integrations)

MINISTRY OF FINANCE

- Nemanja Pavličić – Assistant Minister (Budget)

MINISTRY OF JUSTICE

- Vuksan Vuksanović – Adviser

SUPREME PUBLIC PROSECUTOR’S OFFICE

Office of the Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes

- Đurđina Ivanović – Special Prosecutor

HIGH COURT IN PODGORICA

- Valentine Pavličić – Judge
- Ratko Ćupić – Judge

PARLIAMENT – COMMITTEE FOR SECURITY AND DEFENCE

- Melvudin Nuhodžić MP, Committee Chairman – Democratic Party of Socialist (DPS)
- Borislav Banović MP – Secretary-General of the Social Democratic Party (SDP)
- Mehmet Bardhi MP – President of the Democratic Union in Montenegro and Member of the Caucus of Ethnic Albanian Parties
- Goran Danilović MP – Vice-President of the New Serbian Democracy (NOVA)
- Vasilije Lalošević MP – Vice-President of the Socialist People’s Party (SNP)
- Nebojša Medojević MP – President of the Movement for Changes (PzP)
- Slaviša Šćekić – Adviser to the Committee
- Zorana Bacović – Committee Secretary

NATIONAL SECURITY AGENCY

- Lidija Mijović – Director’s Adviser and Head of International Co-operation Department
- Goranka Serhatlić – Head of Department

PERSONAL DATA PROTECTION AGENCY

- Bojan Obrenović – Director

ADMINISTRATION FOR THE PREVENTION OF MONEY LAUNDERING AND TERRORIST FINANCING

- Milan Radulović – Head of Department for Suspicious Transactions
- Danijela Miličević – Coordinator of Department for National and International Co-operation

CUSTOMS ADMINISTRATION

- Vojislav Marković – Assistant Director (Customs Security)
- Rade Lazović – Head of Intelligence Department
- Milan Marković – Head of Department for Customs Review

LOCAL AUTHORITIES

Municipality of Podgorica

- Dragan Mijailović – Deputy Mayor
- Nada Stanišić – Head of Mayor’s Administration
- Radislav Vojvodić – Head of Communal Police
- Brano Radusinović – Head of Environmental Inspectorate
- Miomir M. Mugoša – Head of Traffic and Communal Affairs

Municipality of Berane

- Braho Adrović – Assistant Mayor
- Nada Stanišić – Head of Communal Police
- Feko Kasumović – Communal Policeman
- Dragana Pešić – Communal Policewoman
- Olja Stojanović – Project Manager at Mayor’s Cabinet
- Dragan Zečević – Traffic and Roads Inspector

Municipality of Bijelo Polje

- Aleksandar Žurić – Mayor
- Rizo Kasumović – Assistant Mayor
- Radovan Obradović – Administrator

Municipality of Pljevlja

- Avdo Ajanović – Assistant Mayor
- Dragoljub Mazalica – Municipal Secretary (General Administration)

Municipality of Herceg Novi

- Dejan Mandić – Mayor
- Milan Vajagić – Assistant Mayor
- Tomica Milošević – Chief Administrator
- Velimir Kovačević – Chief of Cabinet

OFFICE OF THE PROTECTOR OF HUMAN RIGHTS AND FREEDOMS (OMBUDSMAN)

- Zdenka Perović – Secretary General

COUNCIL FOR CIVIC CONTROL OF POLICE

- Aleksandar Zeković – Member

CIVIL SOCIETY AND ACADEMIA

Human Rights Centre, Faculty of Law, University of Montenegro

- Siniša Bjeković – Head

SOS Telephone for Women and Children Victims of Violence

- Biljana Zeković – Director

Women's Safe House

- Ljiljana Raičević – Executive Director

Network for Affirmation of the Non-Governmental Sector (MANS)

- Vuk Maraš – Monitoring Programme Director
- Veselin Radulović – Legal Adviser

Preporod – Association for the Fight against Addiction and for the Promotion of Proper Ways of Life

- Jovan Bulajić – Coordinator

Centre for Civic Education (CGO)

- Daliborka Uljarević – Executive Director

Institut Alternativa

- Stevo Muk – Director

Centre for Democracy and Human Rights (CEDEM)

- Nenad Koprivica – Executive Director

Centre for Monitoring (CEMI)

- Zlatko Vujović – Executive Director
- Miloš Bošković – Court Monitor on behalf of the OSCE

MEDIA

Dan daily

- Slavica Jovanović – owner and Head of Legal Section
- Nikola Marković – Assistant Editor-in-Chief

Vijesti daily

- Miško Jovović – Editor-in-Chief

Radio Television of Montenegro

- Marina Vuković – Editor of Informative Programme

INTERNATIONAL COMMUNITY

European Union Delegation to Montenegro

- Alessandro Campo, Attaché – Programme Manager Justice, Home Affairs and Security

United States Embassy to Montenegro

- Cecilia Bratten – Resident Legal Adviser

International Crime Investigation Training Assistance Programme (ICITAP)

- Jeff Palmer – Senior Police Adviser

United Nations High Commissioner for Refugees (UNHCR)

- Katja Saka – Protection Officer
- Slobodan Raščanin – Protection Associate

International Organization for Migrations (IOM)

- Elisa Tsakiri – Chief of Mission
- Dušica Živković – Adviser
- Tom Atwood – Adviser

Turkish International Co-operation Agency (TIKA)

- Tundzaj Čekmak – Head of Podgorica Office
- Merdan Krlić – Assistant

OSCE Mission to Montenegro

- Šarūnas Adomavičius – Head of Mission
- Waldemar Figaj – Deputy Head of Mission / Programme Co-ordinator

Politico-Military Affairs Section

- Predrag Prelević – Politico-Military Officer / Programme Manager

Police Affairs Section

- Valeri Petrov – Head of Police Affairs Section / Programme Manager
- Thord Modin – Organized Crime Adviser
- Hakan Altunay – Police Education Adviser
- Patrick McNulty – Community Policing Adviser
- Dragica Vučinić – Senior Project Assistant
- Sanela Đozgić – Project Assistant

Rule of Law and Human Rights Section

- Marina Lutovac – National Legal Officer
- Milena Čeranić – Legal Assistant

Democratisation Section

- Lloyd Tudyk – Democratisation Programme Manager
- Axel Jänicke – Senior Parliamentary Adviser
- Svetlana Doljanica – Parliamentary Project Assistant
- Miloš Uljarević – Parliamentary Project Assistant
- Srdjan Četkovic – Senior Democratisation Assistant for Economy and Environment

Media Section

- Radka Becheva – Media Programme Manager
- Matija Vasiljević – Project Assistant

ANNEX III:

TABLE 1: OVERVIEW OF POLICE OVERSIGHT BODIES

Type	Name of the body	Membership and selection criteria	Authorities and Competencies	Reports to
Parliamentary oversight	Parliamentary Security and Defense Committee	Representative of composition of parliament and composed of MPs		Parliament
Independent Oversight Statutory Bodies	The Council for Citizens Control of Police Work	Five members selected to represent: Bar Association, Chamber of Medical Doctors, Association of Legal Professionals, University of Montenegro, and civil society organizations dealing with human rights	Consider complaints made by citizens and police officers regarding human rights breaches (LoP, Article 93).	Makes advice and recommendations to Police Director, who should inform them of actions taken
	Ombudsperson	Public servants	Human rights protection, including serving as National Torture Prevention Mechanism and central anti-discrimination authority	Parliament
	Private Data Protection Agency	Public servants		Parliament
	State Audit Institution	Public servants		Parliament
	Anti-corruption Initiative	Public servants		Parliament

Type	Name of the body	Membership and selection criteria	Authorities and Competencies	Reports to
The Executive	Sector for Protection and Oversight Affairs in the Ministry of Interior	Public servants		Minister of Interior
	Ministry of Interior's Internal Control Department	Sworn police officers	To investigate complaints by citizens, police officers, organizations and recommendations made by other oversight bodies or initiate investigations. Authorized officer establishes the facts, gathers evidence and files a report which contains a proposal for removing established misconduct, as well as for starting appropriate measures for establishing responsibility (e.g. disciplinary or criminal procedure).	Makes recommendations to the Minister of Interior who then forwards them to the Police Director

Type	Name of the body	Membership and selection criteria	Authorities and Competencies	Reports to
Internal oversight within the Police Administration	Police Ethics Board	Seven member body composed of four representatives of Police Administration (not including Police Union), one representative of Police Academy, one representative of Mol and one representative of NGOs		Police Director and Disciplinary Commission
	Department for the Suppression of Organized Crime and Corruption	Professional police officers specialized for investigation of organized crime and corruption, including also inside the police		Police Director and Special Prosecutor for Organized Crime and Corruption
	Disciplinary Commission	Collective body (chair and two members)	Conducts the procedure of establishing responsibility for harsher disciplinary misconduct, upon the proposal of the head of unit in which an investigated officer works, and based on a conclusion of a disciplinary prosecutor to start a disciplinary procedure. If elements of a disciplinary misconduct are established by the internal control procedure, ICD report is submitted to the head of unit, with an aim of starting the procedure in front of Disciplinary Commission.	Recommends a decision to Police Director, upon finishing the procedure and presented evidence.
Public oversight by NGOs	Human Rights Action, Youth Initiative for Human Rights, etc.			

ANNEX IV:

TABLE 4: FOLLOW-UP MEASURES RECOMMENDED BY INTERNAL AFFAIRS MECHANISMS

	2006	2007	2008	2009	2010
Number of initiated criminal charges	68 (98) police officers due to the well-grounded suspicion that they had committed 80 (142) crimes that are prosecuted <i>ex officio</i> . violation/abuse of office – 33, or 41.25% of the total number, followed by the offenses against public order and peace – 13, against property – 7, against legal traffic – 7, against life and person – 6 etc.	53 (68) police officers with probable cause of committing 85 (80) crimes for which prosecution is undertaken in line of duty. committing property crimes – 25 (29.4%), crimes against legal traffic – 20 (23.5%), crimes against life and body – 13 (15.3%), crimes against public law and order – 9 (10.6%), crimes against official duty – 6 (7%) etc.	39 police officers with probable cause of committing 52 crimes that are prosecuted <i>ex officio</i> .	45 (39) police officers, on suspicion of committing 86 crimes that are prosecuted <i>ex officio</i> .	30 (45) police officers, on suspicion of committing 35 (86) crimes that are prosecuted <i>ex officio</i> .
Unit representation in criminal offences	29 uniformed police officers, 3 officers of crime police, 35 border police officers, and 1 SPU.	20 uniformed police officers, 18 border police officers, 4 officers for securing persons and buildings, 3 SATU, 2 SPU officers, and 6 employees of other PA organizational units.	20 uniformed police officers, 10 (18) border police officers, 4 (4) officers from the Sector for Securing persons and objects, 3 (3) SATU officers, 2 (1) SPU officers, and one officer from the Crime Police Sector.	20 uniformed police officers, 3 officers from the Crime Police Sector, 14 border police officers, 6 officers from the Sector for Securing persons and objects, 1 SPU officer, and 1 officer from the PA HQ.	14 (20) uniformed police officers, 1 (3) officer from the Crime Police Sector, 9 (14) border police officers, 2 (6) officers from the Sector for Securing persons and objects, 3 (1) SPU officers, and 1 (1) SATU officer.

	2006	2007	2008	2009	2010
Misdemeanour	Against 28 (24) police officers, on basis of 32 (28) offenses against the Law on Public Order and Peace. Most offenses are assault and participating in fight – 21, or 65.62% of the total number.	Against 8 (28) police officers, for 9 (32) offences against the Law on Public Law and Order. In the structure of the committed offences, the majority are assaults (8) with 88.9% in this structure, and one case of offence.	Against 21 (8) police officers. In the structure of misdemeanors, they mostly refer to assault or participating in fight – 9 cases or 42.3%.	Against 18 (21) police officers. In structure of misdemeanors, for committing of which police officers were reported, they mostly refer to assault or participating in fight – 10 cases or 45.5%.	Against 14 (18) police officers (15 misdemeanour) they mostly refer to threats – 7 cases.
Unit representation in misdemeanour			9 border police officers, 8 general affairs police officers, 1 officer from the Crime Police Sector, 1 SATU officer, and 2 officers from the Sector for the Protection of Persons and Facilities.	9 general affairs officers, 5 border police officers, 1 officer from the Criminal Investigation Sector, and 3 SPU officers.	5 (9) general affairs police officers, 4 (5) border police officers, 2 (3) SPU officers, and 2 officers from the Sector for the Protection of Persons and Facilities, as well as 1 civil servant.
Major disciplinary offences	disciplinary procedure initiated against 258 (265) officers	disciplinary procedure initiated against 271 (258) officers, as follows:	252 (271) officers	241 (252) officers	190 (241) officers

	2006	2007	2008	2009	2010
Unit representation in major disciplinary offences	165 uniformed police officers, 78 border police officers, 14 officers of the crime police, and 1 SPU officer.	151 uniformed police officers (55.7%), 78 border police officers (28.8%), 24 officers for securing of persons and buildings (8.9%), 8 crime police officers (3%), 6 SPU officers (2.2%), 3 SATU officers (1.1%), and 1 officer from other organizational units.	114 (151) uniformed police officers (45%), 70 (78) border police officers (28%), 29 (24) officers for securing of persons and objects (11%), 26 (8) officers from the Crime Police Sector (10%), 7 (6) officers from the SPU (3%), and 6 (3) SATU officers (2%).	111 (114) uniformed police officers, 81 (70) border police officers, 23 (29) officers for securing of persons and objects, 17 (26) officers from the Crime Police Sector, 8 (7) officers from the SPU, and 1 (6) SATU officer.	uniformed police officers, 60 (81) border police officers, 13 (23) officers for securing of persons and objects, 14 (17) officers from the Crime Police Sector, 3 (8) SPU officers, and 2 (1) SATU officers, which is for 21.16% less than in 2009.

	2006	2007	2008	2009	2010
Outcome – decisions by Disciplinary Commission	240 police officers. Upon the completed procedure, 189 officers were found guilty of the disciplinary offenses. 19 were discharged from duty, and the remaining ones were issued a disciplinary measure – fine. 47 officers were acquitted. The procedure against three officers was suspended due to the lack of legal grounds for the continuation of disciplinary procedure, while the procedure against one officer was stopped due to the legal grounds for the cessation of procedure.	Disciplinary responsibility of 210 (240) Police Administration officers. Following the disciplinary procedure, responsibility of 174 officers was determined. Termination of work relation was decided for 16 officers, while in the rest of the cases disciplinary measure of fining was undertaken. 33 officers were released of responsibility due to the lack of evidences of committing major crimes they had been accused for. Procedure was stopped against 3 officers, due to lack of legal ground for disciplinary procedure.	198 responsible officers	Imposed disciplinary measures for 198 responsible officers.	Disciplinary measures for 140 (198) responsible officers, whereof measure of termination of employment were imposed for 8 officers.
Minor disciplinary offences	finest against 282 (351) police officers	finest against 356 (282) police officers	finest against 253 (356) police officers	finest against 215 (253) police officers	heads of organizational units imposed finest against 173 (215) police officers

	2006	2007	2008	2009	2010
Unit representation in minor disciplinary offences	226 general affairs police officers police officers, 39 border police officers, 16 officers of the Criminal Investigation Sector and 1 SATU officer.	236 general affairs police officers, 60 border police officers, 51 officers for securing of persons and buildings and 9 officers of the Criminal Investigation Sector.	162 (236) general affairs police officers, 60 (35) border police officers, 29 (51) officers for securing persons and objects, 17 (9) officers from the Crime Police Sector, 8 officers from the SPU, and 2 SATU officers.	137 (162) general affairs police officers, 28 (60) border police officers, 19 (29) officers for securing persons and objects, 19 (17) officers from the Criminal Investigation Sector, 8 (2) SATU officers, and 4 (8) SAJ officers.	110 (173) general affairs police officers, 33 (28) border police officers, 14 (19) officers for securing persons and objects, 14 (19) officers of the Criminal Investigation Sector, 1 (8) SATU officers, and 1 (4) SPU officer.



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