

**Police Inspectorate of Kosovo
Implementation Project
OSCE Mission in Kosovo**

BRIEFING NOTES

**Visit of the OSCE Secretary General
Mr. Marc Perrin de Brichambaut
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THE POLICE INSPECTORATE OF KOSOVO (PIK) – A NEW APPROACH TO POLICE ACCOUNTABILITY

Briefing Notes

Introduction

This briefing paper describes the current OSCE Mission in Kosovo project to establish the Police Inspectorate of Kosovo (PIK) as an Executive Agency of the Ministry of Internal Affairs, the role of the PIK in enhancing police accountability and the organisational performance of the Kosovo Police Service (KPS). Although there are other entities within the Balkan region that are named ‘Police Inspectorate’ or similar, these differ in purpose and methodology from the model developed for Kosovo.

A New Approach to Police Oversight

From its inception in March 2005, the PIK has been the direct result of the involvement of the OSCE Mission in Kosovo (OMiK) in the evolution of a legal framework for the Kosovo Police Service (KPS). Inspired by the principles and standards of the *European Code of Police Ethics* (ECPE)¹, the PIK is part of OMiK’s effort to ensure an effective police accountability mechanism, thereby consolidating and preserving the enormous investment in democratic police training at the Kosovo Police Service School (KPSS) since 1999.

The development and implementation of a sound legal framework for the Kosovo Police Service (KPS) marks a critical juncture for this new organisation, as well as the successful completion of the OSCE/UNMIK policing mandate in Kosovo. A key feature of UNMIK Regulation 2005/54 and Administrative Direction 2006/9 (on the KPS) is the Police Inspectorate. The PIK is an independent and civilian oversight mechanism that combines two primary functions in pursuit of the principles of accountability and transparency – the anchors of democratic policing. Firstly, it performs an audit function, scrutinising the management performance of every station and department in terms of efficiency, effectiveness and compliance with the law (the Inspection Role). Secondly, the PIK has authority to investigate all allegations of serious² misconduct by KPS officers of all ranks (the Investigation Role).

Inspection Role – As detailed in the relevant legislation, the PIK officers conduct a series of 12 – 14 ‘ordinary inspections’ in every fiscal year. This process involves visiting and inspecting every police station and Department/Unit. Using carefully designed ‘Protocols’ (structured interview and data gathering forms), Inspectorate officers collect, collate and analyse data in respect of 14 police management performance areas (e.g. road traffic policing, crime investigation, procurement, finance). Each ordinary inspection focuses on one thematic area but seeks out information from a variety of sources in order to build an accurate picture of current performance. The accent is on effectiveness (achievement of core police objectives), efficiency (achieving objectives in a cost effective manner), and

¹ EU Committee of Ministers, Recommendation (2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics

² The new legislation differentiates between ‘serious’ and ‘minor’ discipline offences: the latter are investigated by the Professional Standards Unit on behalf of the Police Commissioner, whilst serious discipline offences are investigated by the PIK.

compliance with law (including ECPE standards). Once analysed, the data is used as the basis of an Interim Report on police performance that includes key recommendations for future action by the UNMIK Police Commissioner and his/her senior staff. An effort is made to ensure that the Interim Reports are properly balanced and that the recommendations are realistic and achievable, given the limitations on budget and other police resources. In subsequent years, the PIK looks for specific responses to its recommendations, thereby exerting pressure on senior KPS staff to cooperate in an ongoing process of reform. At the end of each fiscal year the bulk of the material in the Interim Reports is consolidated and published in an *Annual Report on Police Performance*.

There are a number of benefits to this approach to police oversight, if conducted over a number of years:

- Through publication of its Annual Report, the PIK offers a ‘window’ into the police organisation for *all* the communities of Kosovo, reinforcing public accountability and democratic principles;
- The public ‘window’ generates a positive force for change and reform, once senior police staff acknowledge their role as public servants who are accountable for *what they do* and *how they do it*;
- The use of thematic inspections and Protocols provides a user-friendly structure to the inspection of management performance and the process of managing change in a large police organisation;
- The use of key recommendations that are ‘re-visited’ in subsequent years generates positive pressure on senior police staff to effect changes;
- The Interim Reports and the key recommendations they contain provide a framework and focus for donor-funded assistance to police reform efforts;
- The Interim Reports and recommendations allow the Government and international partners to track positive change within the police organisation and compliance with ECPE standards.

Since its launch at the start of July 2006, the PIK Implementation Project has produced six Interim Reports and an Annual Report in the first year, and eight reports in 2007. Early indications suggest that some of the above benefits are being realised already.

Investigation Role – Based on recent academic research into police accountability in established democracies³ and inspired by the ECPE⁴, the investigation role of the PIK operates on the principle that (serious) complaints against the police must be conducted by a body that is fully independent of the police organisation. Once fully implemented in October 2007, this role will mean significant changes to the existing complaints system, in which all complaints are investigated and resolved by other police officers. Under the new legislation, any complaint from a member of the public will be directed to the PIK, evaluated and recorded. The evaluation involves deciding whether the allegation of misconduct would – if proven – amount to a criminal offence or serious discipline offence or minor

³ Lewis, C. (1999) ‘Complaints Against Police – The Politics of Reform’, Hawkins Press, Annandale

⁴ EU Committee of Ministers, Recommendation (2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics

discipline offence. As in the past, criminal allegations are forwarded to the Public Prosecutor for appropriate action. Complaints in respect of minor offences are sent by the PIK to the Police Commissioner for investigation by the KPS Professional Standards Unit, a team of carefully selected police officers. In the case of allegations that amount to serious misconduct against police officers of *any* rank – including forms of corruption – the PIK officers lead the investigation. If a serious complaint appears to be substantiated, a file is prepared and sent to the Senior Police Appointments and Discipline Committee (SPADC): an independent and representative body that is responsible for disciplinary hearings, as well as the selection of police candidates to the most senior positions. The SPADC has authority to decide whether, in the course of a hearing, the officer is guilty as charged and recommend a penalty. Only the Commissioner, however, can impose the penalty. All complaints and subsequent investigations are tracked and actively monitored by the PIK, ensuring that legal timelines are met and the complainant is kept informed of progress.

There are a number of benefits to this approach to investigating complaints against the police:

- A system that is largely controlled and monitored by a body that is totally independent of the police and populated by civil servants rather than police officers, commands public confidence and reinforces police accountability and democratic principles;
- An independent and civilian body can achieve greater impartiality in the investigation of serious allegations and champion the rights of officers who are subject to malicious allegations, meeting the requirements of the ECPE;
- An independent and civilian body is more likely to encourage police officers to give evidence against other police officers – particularly supervisors – who are engaged in corrupt practices;
- An independent and civilian body, unlike a police unit responsible for discipline investigation, can act as a potent force in eliminating police corruption and malpractice at all levels of the organisation;
- The link to the Inspection Role means that, where PIK officers uncover evidence that might suggest misconduct, that evidence can be immediately secured and an investigation commenced without delay.

The PIK, unlike similar entities in the Balkan region, is empowered to investigate allegations against the most senior police officers of the Kosovo Police Service. This approach to police accountability addresses many of those issues that currently prevent progress in tackling police corruption in transition states, such as a system whereby only the police can investigate the police.

Implementation Project

The OMiK project to implement the PIK began in September 2005 and is due to complete in December 2007. It has been driven by two OMiK specialists in this area of police reform, working in close cooperation with the newly formed Ministry of Internal Affairs. A carefully designed implementation plan was prepared and included the following key measures:

- Drafting and ratifying the legal framework for the PIK;
- Preparation of a PIK (civil service) budget for the first year of operation;

- Preparation of an organisational chart, job descriptions and Standard Operating Procedures;
- Advice and assistance in the PIK staff selection process, including the use of a rigorous entrance examination that sought to obviate political interference and helped to identify the best candidates;
- Design and implementation of a comprehensive training programme in two phases, corresponding to the inspection and investigation functions.

At the heart of this effort is the training programme that seeks to equip the newly appointed PIK officers with the required knowledge, skills and attitudes to perform their legal functions. Based on the 'action-learning' approach to adult education, the OMiK capacity-building programme is designed to operationalise the PIK within weeks. Thus, in the six-month Phase One Programme the PIK officers alternated between periods of classroom work (Report Writing Skills, Applicable Law and Management Theory and Practice) and operational field work (conduct of Ordinary Inspections of police stations and Departments/Units). Following the periods of field work the trainees prepared Interim Reports for submission to the Minister of Internal Affairs and senior KPS staff. There is a strong emphasis on developing and assessing integrity, professionalism and other essential PIK attitudes. Since the start of training in July 2006 a number of ordinary and extraordinary inspections have been conducted and the PIK officers are rapidly developing the required skills. Moreover, there are early indications that senior KPS staff are acting on PIK recommendations.

Acting in Defence of Democratic Principles

The PIK is both inspired by and seeks to verify police compliance with the ECPE as a framework of democratic policing standards. In this sense it is a unique approach to police oversight⁵. The successful implementation of this oversight mechanism will help to reassure all the communities of Kosovo that the KPS can and will be held to account where - either collectively or individually - it fails to provide services in support of a safe and stable society or acts in a manner contrary to law. Since the PIK is fully independent of the police organisation it oversees and not allied to any political party, it is able to win public confidence and act in defence of democratic principles of government. The PIK model offers a radical yet realistic strategy in the effort to reduce and eliminate police corruption and malpractice.

⁵ Research suggests that no other police organisation in a transition state has so far adopted the ECPE as a framework for police reform through increased accountability measures.