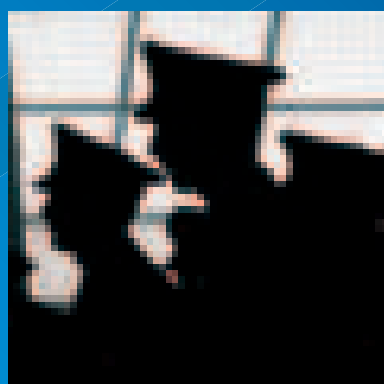


POLICE REFORM IN SERBIA

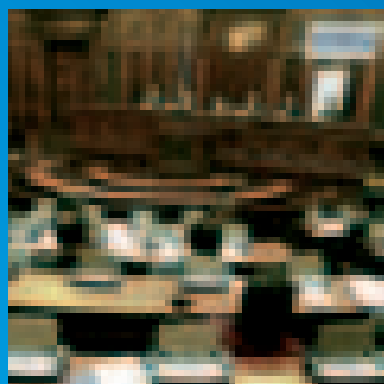
TOWARDS THE CREATION OF A MODERN AND ACCOUNTABLE POLICE SERVICE



Law Enforcement Department
OSCE Mission to Serbia and Montenegro

January 2004

OSCE

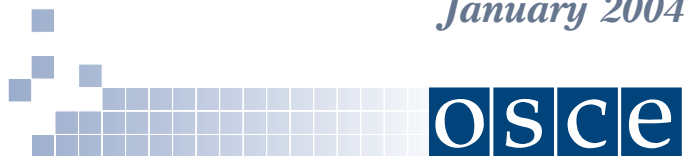


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Law Enforcement Department
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January 2004



ORGANIZATION FOR SECURITY
AND CO-OPERATION IN EUROPE

POLICE REFORM IN SERBIA

TOWARDS THE CREATION OF A MODERN AND ACCOUNTABLE POLICE SERVICE

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January 2004

POLICE REFORM IN SERBIA

TOWARDS THE CREATION OF A MODERN AND ACCOUNTABLE POLICE SERVICE

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Executive Summary

Today's police service in Serbia (Serbia and Montenegro) is distinctly different from the service that was used as a political tool during the Milošević administration, but it still has not realised those goals set by the Ministry of Interior for the establishment of a truly modern, representative and democratic police service.

Progress has been made in reforming the Serbian police service over the past two years. The division between the State and Public Security Sectors, the introduction of more female police officers, the development of multi-ethnic policing in south Serbia, the establishment of the Office of the Inspector General and the recognition of the need for a philosophical shift in the manner of policing, have all contributed to the changing attitudes towards the police service by the people of Serbia. But enhanced political will is required as difficult decisions remain ahead for the Ministry of Interior and the Public Security Sector. Decisions regarding organisational restructuring, lustration of personnel, enhanced accountability and independent audits of Ministry resources are all in need of immediate attention.

The reform of the police service is crucial for the development of a stable democracy, the creation of an open market economy and the development of political and social structures representative of the values and needs of society. Both international organisations and governments need to recognise the crucial role that the reform of the police service plays in stabilising transition societies. Furthermore, the police reform process should be viewed in the context of the need for a comprehensive review of the criminal justice sector.

A number of changes must be instituted as a matter of urgency to ensure the correct course is established and that the tempo of the reform process is in line with the Ministry's objectives. Creating the framework for reform is almost as important as ensuring that funds are available for the modernisation of the service. For this reason a serious structural reorganisation of the police service must be a priority. The division between policy and operations must be clear and distinct. Greater delegation of authority within the organisation and the decentralisation of decision making must become the norm rather than the exception.

The effectiveness of the police service is hampered by its current organisational structure, burgeoning administration and inability to strategically chart the course of the reform process. Independent audits of the administrative and resource requirements of the Ministry and police service must therefore occur prior to any internal determination of personnel requirements and the reallocation of personnel within any new organisational structure. In connection with this, before any recommendations on the development of the police service's depleted infrastructure takes place, an independent audit of needs and current usage of office space should occur.

An urgent review of recruitment, promotion and human resource management within the police is required. This document will show that the organisational structure of the police service remains highly centralised and committed to outdated management techniques. Such a top-down approach further dislocates the management of the service from its personnel,

demoralises officers and stifles the belief that the police service is a viable career option for talented recruits.

A thorough accountability system is required to ensure that the police service is free from the influences of organised crime and the remnants of the former regime. The assassination of then Prime Minister Zoran Đinđić presented a picture of an administration that had not correctly assessed the extent of organised criminal activity within its ranks and a security sector in need of internal reform.

The lack of internal transparency affects the ability of the police service to deal in an open and accountable manner with its officers and with the public. This has been perpetuated due to a lack of clear progress regarding internal accountability for the last two years. The recent appointment of the Inspector General is a welcome step forward, however it is the resources allocated by the Ministry which will reflect the importance of this function within the service. The aim should be to develop an independent institution with far reaching powers of investigation, supported by procedures that are clear and impartial. There is a need for the public to have confidence in the accountability process. This confidence can begin with improved communication of the procedures involved.

Accountability alone is not sufficient in the fight against organised crime. There is also a need for some elements within political parties to acknowledge that the police service is not a political tool. Throughout the course of this study it became evident that there is a general impression at local level that the police service is an institution to be controlled. The term 'accountability' has no direct Serbian translation and is too often confused with 'control'. While the police service is accountable (i.e. responsible) to elected institutions it should not be under the control of political representatives. Operational independence, control and responsibility must rest with an independent and professional police service.

The establishment of a comprehensive criminal intelligence system together with an interception capacity within the police service is also imperative. This needs to be supplemented by the development of modern investigative methodologies, which will lead to a reduction in the dependence on unscientific interrogation techniques. The police service requires additional investigative equipment, so as to reduce the general reliance on the BIA as a source of intelligence.

Respect for human rights and the presumption of innocence are the cornerstones of a fair and impartial criminal justice system. These principles must transcend the work of the police service, be reflected in accountability procedures and define the manner of their interaction with the public. The Ministry continues to view the role of the media as largely that of a public relations tool rather than as a medium for public information. A number of incidents illustrating a partisan, uncoordinated, inconsistent and dubious approach to media relations were exhibited during the state of emergency. The use of the media by the Ministry of Interior has at times undermined due process within the criminal justice system and the principle of the presumption of innocence.


The process that the Border Police Service has undertaken in developing a strategic plan to take over the Green Border is something that could be used as a model in other areas of the Ministry. Basing the plan on an assessment of needs, consultations with interested partners, incorporating (and envisaging) EU standards and the development of a clear timeline with benchmarks, is a process from which the Ministry as a whole could learn.

For the public, the visible changes in police culture represent the main litmus test for the whole reform process. In this respect, police education is the determining factor for defining the future culture of the police service. Introducing new recruits during basic training to policing principles and curricula in line with human rights standards and accepted guidelines for use of force can cement attitudes and behaviour at a critical juncture. Assistance to police education should be focused on ensuring sustainable education development, through the provision of modern training methodologies and curricula.

In south Serbia, though the international community has heralded the development of multi-ethnic policing as a success, much remains to be done to develop policing in the area. Confidence building measures, centred around the idea of community policing, should form the basis of policing in south Serbia. The international community should speak less of integrating the MEPE into the police structures and talk more about integrating the police service into the MEPE. There needs to be greater consolidation of MEPE police containers in south Serbia, leading to the establishment of permanent police stations in the field. This would have a positive effect on the morale of the officers and would allow normal career development and rotation of staff between these field offices and headquarters, as is required. Further engagement by the international community needs to occur to ensure the long-term stability of the region.

As far as the OSCE and the international community are concerned more critical monitoring of the police reform process and greater co-ordination is required. Also, consideration should be given to the strategy of co-locating international and domestic advisors within the Ministry of Interior. The international community must speak with a single voice if it is to have a significant impact on the course of the reform process. In addition, the international community as a group must prioritise, in co-ordination with the Ministry, what they see as reform areas in need of attention and where their expertise is most required. The OSCE must in turn prioritise its role as co-ordinator of efforts by the international community and develop initiatives to fully implement this role. In this regard the OSCE Mission must review its overall priorities and strategy specifically related to the police reform process. As a start it should host regular operational meetings between those organisations and embassies with an interest in the reform of the Serbian police service. Furthermore, the manner in which the international community engages in the reform process must be reviewed. It is proposed that a fund for police reform be established that could group bi-lateral donations and enable the commencement of necessary large-scale projects, such as increasing criminal intelligence capacity or developing the border police service.

To date international organisations, including the OSCE have focused upon the development of individual integrity and capacity, meaning that there was a focus on training the individual



in technical or ethical issues. The OSCE's focus for the next 12 months should be on assisting the Ministry with transforming its Vision Document into a viable strategic plan. The Ministry must implement structural changes if the reform process is to achieve any success over the long term. The establishment of a strategic planning unit at Ministry and Police Directorate levels would enable a dual focus on the development of a reform strategy and the development of policing methodology. Support for these units is vital from the international community's perspective, as is the transfer of knowledge of regulatory, policy and legal instruments utilised by other national police services. Support for the development of structural capacity is also necessary but should only be part of a long-term strategy with definable and measurable goals and indicators. To effect sustainable and effective change, the international community must truly co-ordinate its activities. The OSCE is still best placed to carry out this task and should develop this role as a cornerstone of its activities in the area of police reform.

This report aims to be practical rather than purely theoretical. It provides 93 clear recommendations for both the Ministry of Interior and the international community. These 93 recommendations should form the basis of discussions on the Ministry's reform priorities for the next two years, and should represent the focus of international assistance over the same period. The Ministry must recognise that there exists a window of opportunity to benefit from the focus, attention and financial support of the international community. Such support is dependant on significant progress being made in the areas outlined in this document and on the development of a strategic and holistic approach being taken with regard to the police reform process.

Abbreviations

APTC – The OSCE’s Advanced Police Training Centre in Zemun

AEPC – Association of European Police Colleges

BIA (*Bezbednosno-informativna agencija*) – Security Intelligence Agency is the state intelligence agency developed in 2002 when the former State Security Sector (*RDB – Resor državne bezbednosti*) was taken out of the jurisdiction of Ministry of Interior and transformed into this new, independent body under the direct control of government.

BPS – Border Police Service

CEPOL – Collège Européen de la Police

CID – Criminal Investigation Directorate

DB (*Državna bezbednost*) – The State Security Sector or former secret police that was used for control of political opponents during communist times and the Milošević regime. Since 2002 it has been taken out of the jurisdiction of the Ministry of Interior and transformed into the BIA.

DIHR – Danish Institute for Human Rights

LED – Law Enforcement Department of the OSCE Mission to Serbia and Montenegro

MEPE – Multi-Ethnic Police Element in three municipalities in south Serbia (Bujanovac, Preševo, Medveđa)

MUP (*Ministarstvo unutrašnjih poslova*) – Ministry of Interior

OCD – Directorate for the Suppression of Organised Crime, known as UBPOK in Serbian

OMiSaM – OSCE Mission to Serbia and Montenegro

OSCE – Organisation for Security and Co-operation in Europe

OUP (*Odeljenje unutrašnjih poslova*) – Organisational structure in charge of policing at the municipal level. It is usually below the secretariats, which are comprised of a number of OUPs and are in charge of policing a number of municipalities in one region.

Public Security Sector – currently includes the police service, the fire service and the Gendarmerie

RCMP – Royal Canadian Mounted Police

SAJ (*Specijalna antiteroristička jedinica*) – Special Antiterrorist Unit, one of two special police units

SEPCA – South East European Police Chiefs Association

SPMU – Strategic Police Matters Unit based in the OSCE Secretariat in Vienna

TDC – Trainer Development Course

Acknowledgements

The authority to carry out this study was provided by the Ministry of Interior, Republic of Serbia. I am grateful to the Minister and his senior staff for their participation and their assistance in carrying out this study.

The scope and schedule for this report were ambitious and would not have been realised without the resourceful help and assistance of our liaison officer within the Ministry of Interior, Ivan Đorđević, and his assistant Goran Marković.

Numerous individuals within the Ministry of Interior gave both their time and their expertise to the completion of this report. I am grateful for their frankness and was impressed by their professionalism and dedication. While much more remains to be done, the knowledge that there is a core group of police officers pushing the process forward bodes well for the future of the police service in Serbia and the realisation of the goals of the reform process.

I would also like to thank other police services for the advice received during the course of this work, including Ireland's National Police Service (*An Garda Síochána*), the Police Service of Northern Ireland (*PSNI*), the London Metropolitan Police Service and Scotland Yard.

A healthy civil society is always a positive sign and engagement with all parts of it is imperative for both the national administration and the international community, as it represents the needs of the grassroots of Serbian society. While the specific knowledge of civil society with regards to policing may be lacking, and will be dealt with in more detail later, the willingness of numerous civil society groups around the country to meet and discuss this issue, coupled with their enthusiasm to be engaged in this process, is commendable. This interest in the police service should be utilised to a greater extent.

I am grateful to my colleagues in the OSCE: the members of the Law Enforcement Department here in Belgrade who provided useful comments on initial drafts of this report, and colleagues from the Strategic Police Matters Unit (SPMU) in the OSCE Secretariat in Vienna. In particular, I am enormously indebted to Tor Tanke Holm, the former Head of the Law Enforcement Department of the OSCE Mission to Serbia and Montenegro, for his guidance and professional wisdom. His input was crucial both to the genesis of this report and its content. In addition, my conversations with Roger Berg, the current Head of the Law Enforcement Department, and Richard Monk, the Senior Police Advisor to the Secretary General of the OSCE, were instrumental in the formulation and completion of this work. Whatever inconsistencies remain are mine and mine alone. 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.

Foreword

The aim of the police reform process is not only to develop a police service that can more effectively tackle criminal activity. It also aims to address the corrosive influence of internal corruption while embedding the highest standards of human rights into a police organisation that should be accountable to the public it serves. The realisation of these objectives is central to the development of mature democratic institutions, which can in turn foster growth by freeing the economy from criminal control.

Overcoming the legacy of the past will not be easy. During the 1990s policing in Serbia was developed into a political tool that reflected the totalitarian nature of Milošević's epoch. Under the Milošević regime the role of the police in society was twisted visibly and psychologically into an organ that represented the very antithesis of those principles upon which law enforcement should be founded. The police service was used as a political tool aimed at controlling rather than upholding the interests of society.

It was, therefore, not surprising that in the aftermath of the events of October 5th 2000 the police service found itself estranged from the public it was meant to serve. Emerging from ten years of international isolation and economic sanctions, its infrastructure had been damaged by NATO during the Kosovo campaign, its equipment had become obsolete and its ethics and policing methodology had degenerated. To overcome these issues political will, substantial funding and an ideological shift within the police service was required. In the three years since October 5th, the government has focused on the need for economic regeneration, while the funds necessary for modernising the police service have remained largely unavailable. The police service has already commenced the process of redefining its goals and objectives. This process was catalysed by the OSCE's Study on Policing in the Federal Republic of Yugoslavia written in July 2001. The purpose of that study was to provide an assessment on the current state of the police service and set the direction that it must take to become a democratic, representative and truly modern service, which adheres to international norms and values.

Following the publication of the above study and the internal initiatives within the Ministry of Interior, the Serbian police service embarked on a reform process that prioritised six areas of police reform: organised crime, accountability, community policing, education development, forensics and border policing. While both the OSCE study and the Ministry's Vision Document provided the direction that the reform process should take, work was required to develop the methodology through which the values and vision of the new police service were to be realised. As a result, the Ministry of Interior established a Ministerial 'Think Tank' with the assistance of the Danish Institute for Human Rights (DIHR) to develop a more comprehensive vision document. The process that followed took two years and saw the establishment of fourteen ministerial working groups composed of senior ministry personnel, security sector experts and civil society members. In March 2003, the Ministry's Vision Document was unveiled.

There is no doubt that there have been some positive developments within the police service over the past two years. However, the assassination of Prime Minister Zoran Đinđić has called into question the true extent of reforms that have taken place within the security sector to date. The events of March 12th 2003 illustrated that it was important for both the Ministry

and the international community to reassess the priorities and methodology of the reform process. This report aims to provide this analysis by objectively critiquing the progress that has been made over the previous two years while also outlining the work that remains to be completed. In this regard certain guiding principles underline the recommendations contained in this report. These principles are:

- Enhancing the police service's capacity to effectively prevent and investigate criminal activity in a professional, efficient and impartial manner.
- Developing crime investigation methodologies in line with human rights standards and principles, free from political control and which adhere to the principles of public accountability and the rule of law.
- Ensuring that the police service is representative and that its values reflect those held by the general population. In this regard the police service must develop initiatives to gain public confidence. It can do this by ensuring that the procedures, methodology and practices of the police are accountable to the people and the rule of law through the public's elected representatives, a transparent internal affairs procedure and the development of an external oversight body.
- Ensuring that the police service operates within an organisational structure that is adapted to fight crime, maintain public safety and assist and support the integrity of the criminal justice system.

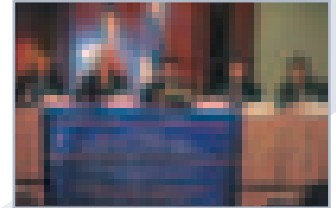
One of the main objectives of this report, however, is not only to highlight areas where the reform process requires impetus, but to be constructive by providing possible solutions to issues that have the potential to undermine the process. It is expected that the recommendations contained herein will be considered closely by the Ministry of Interior. Furthermore it is expected that the international community, including the OSCE, will also consider their engagement in the reform process and where necessary adjust their policies to ensure optimal support to the police service during this process of change. This is a process in which success will bring rewards for both Serbia and the international community.

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January 2004

Introduction

In the two and half years since the OSCE Study on Policing in the Federal Republic of Yugoslavia was written much has changed in Serbia. Probably the most noticeable change is the transformation of the Federal Republic of Yugoslavia into the state union of Serbia and Montenegro. As a consequence the Federal Ministry of Interior was disbanded and most of its powers transferred to authorities at the Republican level. The Serbian Ministry of Interior has embarked on a wide reform programme that includes a re-alignment of education curricula and priorities, and the introduction of more representative personnel. This was achieved by the introduction of more female police officers and the establishment of the Multi-Ethnic Policing Element in south Serbia. During this process the police service has focused on a number of recommendations contained in the OSCE Study on Policing in FRY, including the disbanding of the Special Forces Units operating in south Serbia. These were integrated into a new force, the Gendarmerie, in 2001. This force, tasked as an anti-terrorist force, has taken on much of the responsibility for security in southern Serbia and is highly equipped. Additionally, the Serbian Ministry of Interior has produced a new code of ethics and is planning to place the new laws on police and police education before the National Assembly soon.



Post March 12th

Almost a year ago Serbia witnessed a direct attack on its democratic institutions when Prime Minister Zoran Đinđić was assassinated on March 12th 2003. This action in many ways lifted the veil on the progress of the various reform processes being undertaken by the Serbian administration. Up until March 12th there was a general impression of progress. Considered by many to be incremental—slow but steady—it was generally accepted that a direct path had been laid towards the creation of state institutions that were free from corruption and the negative influences of the former regime. March 12th, however, highlighted the corrupting and disruptive influence of organised criminal activity within some parts of the Serbian administration. It demonstrated the continued proximity and influence of the corrupting trinity of organised crime, the former regime and the nationalist anti-democratic motivation behind its actions¹ (a.k.a the patriotic front). Ordinary people of Serbia became aware of organisations that could apparently operate at will and strike at the foundations of Serbia's democracy. It became clear that the foundations of Serbian democracy were vulnerable, having been weakened by the failure to combat criminal influence in the period since October 5th 2000.

The police force inherited by the current administration was poorly equipped and its relations with the public and its integrity were in tatters. It was an organisation emerging from a prolonged period of international isolation and largely unaware of developments occurring in policing methodology across the rest of Europe. During this period the police became a highly militarised instrument of political power tasked with serving the regime rather than the public. The reform process undertaken since 2001 was driven by the need to build a police service that was representative of the population, and effective in crime prevention and investigation. Additionally, in order to prevent the past from returning, it was decided to create structures to

¹ This was illustrated in the report produced by the commission, headed by Vice-Premier Žarko Korać, and tasked with probing the security arrangements of Premier Zoran Đinđić. The report highlighted the insidious influence of the JSO (Special Operations Unit), describing its existence as 'a negative factor in the functioning of the entire security system in the Republic of Serbia' and as a 'cancer on the body of the security structures'.

ensure that police officers would be more accountable to the democratically-elected political representatives. It was also recognised that police equipment and practices needed to be modernised to meet international norms.

While some progress has been made over the last two years, significant decisions remain ahead for the Government of Serbia, the Ministry of Interior and the police service of Serbia. The current reform programme is hampered by a lack of funds and requires enhanced political will to instigate real change within the Ministry. Improving the effectiveness of the police service and ensuring it upholds international standards requires ample amounts of both financial and political muscle. The international community too must re-align its engagement in the reform process. It needs to take into account the development and requirements of the reform process in light of the political and reform realities outlined in this document.

Capacity and Integrity

There is often confusion over whether the current process being undertaken by the Serbian police is a reform or a modernisation process. The connotation being that the former is a negative process while the latter represents a positive attempt to upgrade the services provided by the police service and to enhance its capacity. In effect, reform and modernisation are both sides of the same coin; the process being undertaken by the Serbian police service is both a break from the past, the introduction of new policing principles and the upgrading of investigative techniques and capacity. This study highlights the need for the parallel development of both reform initiatives and modernisation programmes. The Serbian police service requires an overhaul of its administration, its organisational structure and human resources policies. At the same time it is in need of training in new investigative and policing techniques, equipment to enhance effectiveness of investigations and training in strategic planning and change management.

There are a number of ways of conceptualising a police reform process. For transition countries a method is required that encapsulates the ideas of both reform and modernisation. The 'OHR Report on a Police Follow-On Mission to UNMBIH and the UN International Police Task Force' provided one such method². This report proposed the matrix below, which highlights the need to develop both the integrity and the capacity of the police service.

² 'OHR Report on a Police Follow-On Mission to UNMBIH and the UN International Police Task Force' November 2001 by Monk, Holm and Rumin.

	Individual	Structure
Capacity	• Aptitude	• Infrastructure
	• Knowledge and Performance	• Manpower
	• Lifestyle	• Finance
Integrity	• Knowledge and Performance	• Rules
	• Aptitude	• Infrastructure
	• Lifestyle	• Manpower
	• Knowledge and Performance	• Finance
	• Lifestyle	• Rules

Both of these aspects of reform are further characterised as reforms focusing on the development of the individual police officer and on the need to develop the structural framework of the police service. Such a characterisation can and should be used to define the scope and depth of the reform process in Serbia. The matrix will also assist when defining milestones or indicators of success for the reform process. Such a process should form the cornerstone of strategic planning for the reform process.

Taking Law Enforcement as the model of development, individual capacity would include the provision of technical training in areas such as forensics and surveillance, while individual integrity would be through the provision of training on subjects such as police ethics and human rights.

Structural integrity in the Law Enforcement sense would refer to the development of internal affairs procedures, equitable and fair human resource guidelines, internal regulations and the legal framework within which the police service operates. Structural capacity relates to infrastructure development, resources and technical equipment required for the police service to carry out their task of crime prevention and investigation. When developing the structural capacity of the police service, it is essential to ensure its compatibility with the rest of the criminal justice sector. The efforts put in to enhance the capacity of the police service to tackle crime will be nullified if the prosecution, judiciary and the prison service cannot ensure that cases will be heard and sentences upheld in a timely and objective manner. In this regard, an equilibrium of assistance and capacity should be maintained between all of the institutions of the criminal justice system.

The reform processes throughout Serbia and the Balkans have concentrated largely on the development of the capacity and the integrity of the individual. This is as true of other processes (within the judiciary and political institutions) as it is of the police reform process. The international community has largely shied away from necessary structural reforms for a number of reasons. Structural reforms require a long-term engagement, political will and the willingness to make difficult decisions. Structural reforms are costly and their outcomes are not always evident in the short-term. The development of a structural framework for the criminal justice system and democratic institutions is by far the most important priority of the reform process. The structural framework in this regard should be developed in terms of both structural integrity and structural capacity.

By developing the structural integrity of the police service in Serbia, the international community will provide the service with the means of self-oversight. Developing the structural capacity of the police service will ensure the transfer of the responsibility for development of the individual to the national police service, thereby making the reform process sustainable and self-sufficient. The lack of focus on establishing and ensuring the 'rule of law' by the national and international organisations in the Balkans undermines the reform processes over time. For this reason, and as will be argued in this report, the international community and the OSCE should focus their assistance to the reform process on the structural integrity and structural capacity aspects of the reform process.

Police reform as an integral part of the stabilisation process

The reform of the police service is crucial to the development of a stable democracy, the creation of an open market economy and the development of a political and social structure representative of the values and needs of society. Both international organisations and governments have failed to recognise the crucial role that reforming the police service plays and as a result it has been low on their list of priorities. The maintenance of law and order, while being a clichéd term, implies more than training police officers and increasing their visibility on the streets. The major task facing governments today is the concerted, co-ordinated and sophisticated actions of organised crime syndicates. Such activity takes advantage of disorientation during periods of transition to gain sway with political elements. This enables them to infiltrate the economy and to manipulate both the social and economic environment for financial gain. What must occur in tandem with the development of democratic institutions is the development of a police service with an ideological ability to objectively uphold the rule of law in a manner compliant with human rights norms. The police service cannot function effectively without the trust and assistance of the public. The police service for many, represents a litmus test for the change that is occurring in Serbian society. A cornerstone of democratic governance is the ability of the police service to objectively uphold the interests of society over the undue influence of criminals and criminal organisations.

For any police service the fight against organised crime must begin by ensuring that the police service itself is free from the influence of the criminal community. An ideological willingness on the part of the police to tackle this influential force is a necessary first step in preventing infiltration into the political and public administration. This task was all the more difficult for the Serbian police service because the Milošević administration openly courted criminal elements and encouraged their role in the economic and political life of the country. In addition, the financially difficult situation that the police service found itself in under sanctions meant that small-scale corruption was accepted as a means to supplement a government pay packet that was barely over the poverty line. Police officers the world over are expected to uphold higher levels of integrity than average citizens. Having such high expectations of our officers also entails paying them sufficiently so that they have a choice when confronted with temptation. Below subsistence pay makes the police more vulnerable to accepting bribes.

In addition, the correlation between the process of stabilisation within a transition society and the reform of the national police service should be acknowledged and therefore reform

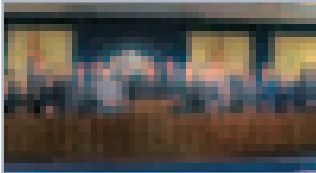
of the police service seen as a major priority for the Serbian government and the international community.

This document aims to evaluate the progress that has been made in the two years since the publication of the OSCE Study on Policing in FRY. Such progress relates to the strategy and implementation of reforms undertaken by the Serbian Ministry of Interior. The OSCE's report can be viewed as the control from which progress in the reform process can be measured. It highlighted the areas in which the Ministry of Interior should concentrate to develop a thoroughly modern, representative and democratic police service. Written initially in 2001, the Ministry accepted the direction as proposed by the Monk Report and engaged in the process. Now, more than two years into the process it is both timely and necessary to re-evaluate progress and re-align priorities. Likewise, an evaluation of the international community's engagement in this process, together with the OSCE strategy as the co-ordinator of international support, should be analysed. This report aims to be constructive and practical, providing suggestions on how potential obstacles in the reform process can be overcome. The report provides a basis for discussion both within the Ministry and the international community about the direction, scope and extent of the reform process. In particular, it points to areas where there needs to be greater engagement. In addition, it is hoped that this report will provide the necessary impetus to the OSCE to align its strategy to the requirements of the reform process.

This report is the product of over 50 interviews³ with senior Ministry of Interior staff both in HQ and within a number of regions and secretariats. These interviews were supplemented by discussions with political representatives and civil society in the summer of 2003. Having been involved with the police reform process in Serbia for the past two years, the author has personally witnessed the developments within the police service and politically within the country. It is expected that this experience will enhance the findings of this report and will provide recommendations that are realistic and specific to the Serbian police service's history, culture and circumstances.

³ See further Annex III at the end of this report for details of all of those interviewed.

1. Police Reform as a Government Priority



The political will to make the necessary, difficult decisions associated with the reform process has been lacking from the government. It could therefore be argued that the Serbian government has not prioritised the reform of the police service. Decisions regarding organisational restructuring, lustration of personnel, enhanced accountability and independent audits of Ministry resources are all in need of immediate attention. Additional resources from the national budget specifically to implement the reform process have not been made available. These resources should of course be linked directly to development in accountability, modernisation or restructuring. In addition, an independent audit of Ministry spending, including personnel and ordinary expenditure, must take place to assess the optimal use of available resources. This would place the Ministry in a strong position to properly justify the additional expenditure required as part of the reform process.

The Ministry requires additional financial resources to bring the service up to international standards and to ensure officers' pay is in line with their role in society. The lack of funds to purchase specialist equipment, basic IT/network equipment and to provide for a co-ordinated criminal intelligence capacity across the Ministry means that police officers are left with limited means of combating and investigating crime. The connection between the reform of the police service and the ability to undermine organised crime elements has not been made at government level. This situation is understandable, but acceptance of the positive role that a reformed police service can play in a stable and democratic society needs to be acknowledged and supported at government level.

For its part the Ministry of Interior must develop a concrete strategic plan to implement the reform process. While the Vision Document, unveiled in March 2003, is the first real public statement regarding the priorities of the Ministry's reform process, there is a need for it to be developed into a cohesive strategic plan for the reform of the police service. With the assistance of the police reform and change management expertise that can be provided by the international community, the Ministry should be able to develop the Vision Document and create a document that provides a step by step approach for implementing the vision of a democratic, representative and modern police service for the people of Serbia. The strategy should be developed through a strategic management component, established as part of the organisational restructuring (this will be dealt with in more detail in the section on organisational structure).

Public participation in the reform process

There is a general unwillingness for consultations both within the police service and with the public regarding the legislative changes governing the function of the police service⁴. The Law on Police has been in process for two years, while consultations with civil society took place in 2001. Since that time no copies of the various versions of the law have been made available. It is imperative that public discussion on legislative development within an institution that regulates an important government function takes place, to ensure that draft legislation fulfils its reform objectives. The insular character of the Ministry is further evident

⁴ This relates to both the Law on the Police and the Law on Police Education.

in the development of the Vision Document by the Ministry⁵. The process of development of the Vision Document highlighted the apparent top-down and non-participatory approach taken by the Ministry with regard to reform.

It appears that discussions are planned at a local level between police officers and civic groups on the contents of the Vision Document and that this dialogue will include a final discussion on the Police Law. However, the timing of these consultations will affect the timetable for implementation of the law as it is due before Parliament soon. In this case little time remains for altering the law based upon the outcomes of these public consultations. Furthermore, these discussions may lead to a re-organisation of reform priorities which will also affect the contents of the law. In addition to consultations, the strategic planning of legislation is necessary to ensure that all envisaged reforms are incorporated into current drafts of the legislation⁶.

The Police Service as a political tool

The police service continues to be viewed as a political tool, as is evident at local and national levels. The difference between police accountability and operational control is often confused. Therefore the creation of a professional, fully independent and objective police service is being hampered by the view remaining within the political arena that the police service is a *de facto* political instrument. For this reason it is important to place control of the police service firmly in the hands of a professional National Commissioner of the Police Service⁷, while ensuring that the police remain, at all times, accountable to democratically elected representatives. The government must release its grip on police management. This will involve a re-structuring within the police service (this also needs to occur for efficiency reasons) and a greater understanding of the difference between control and accountability, something that is currently lacking within the political arena at national and local levels.

There is a general acceptance within civil society that the police service contains personnel who are closely associated with the criminal aspects of the former regime. Their presence undermines the new philosophy and values of the current police service. These personnel could be viewed as a potential obstacle to the reform process. While the vast majority of personnel are able to see the benefits of the new policing philosophy, some are unable or unwilling to accept it. Therefore, some mechanism to lustrate these officers from within the service is required. One such method would be to establish an internal board (possibly within the office of the Inspector General) that would enable the early retirement of personnel with disreputable histories or an inability to move with the reform process. The internal board could review documented evidence of allegations against the police compiled by civil society.

⁵ For an understanding of the purpose of the Vision Document see further the section on 'Organisational Structure and Strategic Planning' – Section 5.

⁶ An example of this is the Law on Police Education. While it is envisaged that the use of the Police High School will cease within 2 years, it is not incorporated into the current draft law. There is a need to guarantee reform objectives through providing a comprehensive legal solution. It is possible to place a time lag on the decision to disband the Police High School, while also mentioning this as a legal objective.

⁷ The National Commissioner should be appointed by the government and ratified by the parliament, following discussions at the level of the Security and Defence Committee. This appointment should be for a specific time limit.

It is important to note that many of the recommendations in this report require political will and immediate action by the government of Serbia. These recommendations pinpoint the basic needs required for the police service to have a base upon which to develop an institution that inspires the trust and confidence of the Serbian people.

Recommendations

- 1) The Serbian government should publicly declare police reform as a priority and follow this up with increased spending that will have clear goals as regards reform priorities.
- 2) As part of the new organisational structure within the Ministry of Interior, strategic planning should become a central component. This Strategic Planning/Management Unit should be responsible for developing the plans/initiatives to implement the reform programme and to monitor and evaluate it. Furthermore, this unit should be used as the 'think tank' of the Minister and work with other directorates in the formulation of 'National Plans', such as a 'National Plan on Drugs' or a 'National Plan on the Fight Against Organised Crime'. Such plans should be based upon developing mechanisms that will target the ability of organised crime to function and not merely aim to gather intelligence.
- 3) Using the Vision Document as a basis, the Ministry should develop a comprehensive strategic plan. The plan, which should include time scales and milestones, should also allocate responsibility and resources. The strategic management component in the Ministry should be responsible for drafting the initial proposal.
- 4) To overcome the perception of the police as a political tool, a distinctive division should be made between the Ministry and the Police Service. While maintaining that the police service is accountable to the Minister, there should be an independent police structure with full operational authority.
- 5) Either through the newly created office of the Inspector General or through an independent commission such as the Ombudsman, some form of lustration has to occur within the police service. While it is evident that the vast majority of police officers are supportive of the reform process, there is a segment that has a vested interest in hampering the movement towards a more accountable and open police service. Until some form of lustration takes place there will remain a perception amongst the public that the police service is a lingering inheritance from the previous regime. One solution, albeit a potentially costly one, would be to provide early retirement for those who believe they have no place in the new Serbian Police Service.

2. The 3 D's – Decentralisation, Depoliticisation and Demilitarisation

Decentralisation

The Ministry of Interior is a highly centralised structure, with little delegation of decision-making authority. A new organisational structure will be proposed in the next section that would facilitate greater decentralisation of authority within the police service, while maintaining a unified national structure. This will enable greater local decision-making on criminal matters that affect the community, while maintaining co-operation and co-ordination in the investigation of major crimes. Greater decentralisation of authority will also facilitate greater local accountability of the police service. At present, by ministerial decision, local police authorities must produce periodic reports on criminal activity and must attend municipal meetings convened to discuss security issues. Senior officers should be obliged to attend such meetings more frequently and should have the authority to discuss openly the security situation, priorities, policing policy and trends of criminal activity. The meetings, like the report, should be more qualitative⁸ and represent a mutual attempt to solve issues of criminality within the region.



Greater decentralisation would also empower local police chiefs to deal more effectively with local policing issues. This should occur through a productive dialogue with Municipal Safety Councils that it is proposed be developed under the national community policing plan. The function of such safety councils is to convene community meetings that will go further than consultation and lead to participation in decisions affecting local policing priorities and planning. Municipal Safety Councils should comprise local police officials, mayor and representatives of other institutions with an interest in public safety (education, health, and social services for example). Greater communication about the needs of the community must provide the basis of such a dialogue and should ferment the working relations between the police service and the citizens. Greater decentralisation will facilitate such a process and will ensure that the policing methodology utilised by the police service is specific to local needs. It will enhance effectiveness, increase trust and undermine criminal activity. It should be noted however that the process of decentralisation should be properly managed to ensure clear communication lines from the local to the national authorities and to ensure the swift implementation of corporate policy at the local level.

A further step that should be taken, and which will be developed in more detail in the section on organisational structure, is that the Public Security Sector, as currently defined within the Ministry, should be re-organised. At present all of the services fall under one operational chain of command, a situation that further centralises decision-making. The Police Service, the Border Police Service, the Fire and Rescue Service and the General Administrative Services⁹ should be separated and given clear and distinct terms of reference and areas of operational responsibility. The Gendarmerie, who are members of the Public Security Sector and who should be accountable to the Police Directorate, should review its equipment and terms of engagement to ensure that they are consistent with the civil nature of its tasks.

⁸ At the moment most Ministry reports are non-analytical statistical presentations and do not go as far as to explain the reasoning behind decisions and priorities.

⁹ See new proposed structure later in this section.

Depoliticisation

This area is covered in more detail in the section that addresses organisational structure and police accountability. The priority that emerges in this area is the need for a clear organisational distinction between the Ministry and the operation of the police and its ancillary services. The Ministry should be responsible for developing policies for the police service. This does not, however, mean that there can or should be any involvement on operational issues. The structure of the police service should highlight the operational independence of the police service and the other operational services accountable to the Ministry.

Development must also occur at a political level with an acknowledgement that the police service is not a political tool. Having visited a number of municipalities, it is safe to say that there is a general impression at the local level that the police service is an institution to be controlled. The term 'accountability' has no direct Serbian translation and is too often confused with 'control'. Both at national and local levels it must be reiterated and understood that the police service is accountable (i.e. responsible) to the elected institutions but that it is not under the control of political representatives. Operational independence, control and responsibility must rest within an independent and professional police service. For this reason there is a need for a clear distinction to be made within the Ministry between those responsible for policy and oversight (the Minister and their staff) and those responsible for the control of the service (i.e. the senior command staff). The role of elected representatives in the promotion or hiring of personnel must also be clarified and is dealt with in the section dealing with human resources issues.

Demilitarisation

The issue of the demilitarisation of the police force has been on the agenda for some time and influences the culture of the service. The ranking structure of the police service gives it a military persona while the structure and armoury of the Gendarmerie is definitively military in nature. Assurances have been received that the armoury of the Gendarmerie will reflect the civil nature of its work and therefore all heavy military equipment shall be transferred from the Gendarmerie. However no date has been set for the completion of this process.

Regarding the ranking structure, there is a strong argument to be made to change the structure. There is little reason to maintain the military ranking, and ranks should be civic in nature and linked to function. This would have a positive effect on the public's perception of the police service and would make the ranking structure more transparent. This, together with the structural re-organisation of the Public Security Sector (covered in section 5), would be a significant and symbolic development in the move towards a new police service. Having reviewed the current ranking structure, together with civil structures in other countries, a proposed change to the ranking system is attached below which is incorporated into the new proposed organisational structure in the next section. There is a need for a reduction in the number of ranks to ensure a flatter organisational structure. That said, within each rank there can be a number of pay grades that should reflect years of service, experience and merit. Promotion from the rank of constable to sergeant should be dependent on passing an

examination, an interview and clean service record. The purpose is to ensure sergeants have a greater knowledge of the law, internal procedures and have management/command skills. This is to ensure a fair and impartial promotions policy and will enable the police service to have the right officers in senior/command ranks.

	Current Rank (English)	Current Rank (Serbian)	Required Level of Education		Proposed Ranks (English)	Proposed Ranks (Serbian)
Senior Officers	Lieutenant-General	<i>General-pukovnik</i>	University	Active Staff	National Commissioner	<i>Direktor policije</i>
	Major-General	<i>General-potpukovnik</i>			Deputy Commissioner	<i>Zamenik direktora</i>
	Brigadier General	<i>General-major</i>			Chief of Police (Secretariat)	<i>Šef policije (na nivou Sekretarijata)</i>
	Colonel	<i>Pukovnik</i>			Assistant Chief of Police	<i>Pomoćnik šefa policije</i>
	Lieutenant-Colonel	<i>Potpukovnik</i>			Chief Superintendent	<i>Viši nadzornik</i>
	Major	<i>Major</i>			Superintendent	<i>Nadzornik</i>
Officers	Captain	<i>Kapetan</i>	Two-year College or University		Chief Inspector	<i>Glavni inspektor</i>
	Lieutenant	<i>Poručnik</i>			Inspector	<i>Inspektor</i>
	Second Lieutenant ¹⁰	<i>Potporučnik</i>			Sergeant	<i>Narednik</i>
	Senior Sergeant-Major	<i>Stariji zastavnik</i>			Senior Constable	<i>Stariji pozornik</i>
	Sergeant-Major	<i>Zastavnik</i>			Constable	<i>Pozornik</i>
	Junior Sergeant-Major ¹¹	<i>Mlađi zastavnik</i>			Probationary Constable	<i>Pozornik pripravnik</i>
Commission	Senior Sergeant 1 st Class	<i>Stariji vodnik prve klase</i>	High School	4 th Year Cadet	<i>Pitomac četvrte godine</i>	
	Senior Sergeant	<i>Stariji vodnik</i>		3 rd Year Cadet	<i>Pitomac treće godine</i>	
	Sergeant 1 st Class	<i>Vodnik prve klase</i>		2 nd Year Cadet	<i>Pitomac druge godine</i>	
	Sergeant	<i>Vodnik</i>		1 st Year Cadet	<i>Pitomac prve godine</i>	
	Junior Sergeant 1 st Class	<i>Mlađi vodnik prve klase</i>		4 th Year Cadet	<i>Kadet četvrte godine</i>	
	Junior Sergeant ¹²	<i>Mlađi vodnik</i>		3 rd Year Cadet	<i>Kadet treće godine</i>	
Cadets	4 th Year Cadet	<i>Pitomac četvrte godine</i>	High School	Police Academy Cadets	3 rd Year Cadet	<i>Pitomac treće godine</i>
	3 rd Year Cadet	<i>Pitomac treće godine</i>			2 nd Year Cadet	<i>Pitomac druge godine</i>
	2 nd Year Cadet	<i>Pitomac druge godine</i>			1 st Year Cadet	<i>Pitomac prve godine</i>
	1 st Year Cadet	<i>Pitomac prve godine</i>			4 th Year Cadet	<i>Kadet četvrte godine</i>
	4 th Year Cadet	<i>Kadet četvrte godine</i>	Elementary School	Police High School Cadets	3 rd Year Cadet	<i>Kadet treće godine</i>
	3 rd Year Cadet	<i>Kadet treće godine</i>			2 nd Year Cadet	<i>Kadet druge godine</i>
	2 nd Year Cadet	<i>Kadet druge godine</i>			1 st Year Cadet	<i>Kadet prve godine</i>
	1 st Year Cadet	<i>Kadet prve godine</i>				

¹⁰ The beginning rank for Police Academy graduates.

¹¹ The beginning rank for Police College graduates.

¹² The beginning rank for Police High School and Basic Police Course graduates.

Grading system for non-operational staff

There is currently a need for all personnel within the Ministry (including administrative personnel) to hold a rank, as rank depicts the level of salary that they receive. This should not occur. There is a need for the development of a parallel grading system for non-operational staff. This system should be developed for both administration staff and professional staff. Professional staff in this case would refer to IT specialists, forensic specialists and those experts within the service who are not police officers.

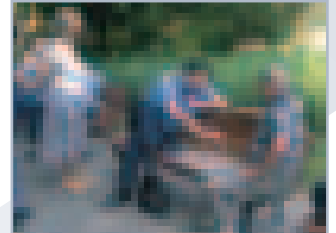
Recommendations

- 6) A policy of greater decentralisation of operational decision-making should be implemented as part of the re-organisation of the Ministry and the police service. This will involve the division of the Ministry into its operational parts (Fire Fighting and Rescue Service, Police Service, Border Police Service and Office of Inspector General), as well as the transfer of authority to municipal/regional police authorities issues specifically related to policing in that community.
- 7) A delegation of authority with regard to the implementation of the reform process should occur. This will facilitate the monitoring of the process on a regional basis.
- 8) A clear distinction must occur between the Ministry, responsible for the development of policy, and the police command structures, responsible for the operational issues of policing.
- 9) The role of elected representatives in the appointment process of OUP¹³ and Heads of Secretariats, should be restricted to the ratification of the internal appointment procedures rather than an active role in proposing candidates. This will ensure that the police service is not used as a political tool but that senior management remain accountable to municipal and national legislatures.
- 10) The ranking structure should be changed to reflect the civil nature of the police service. The sample ranking structure proposed in this document should be duly considered. There is a need for a reduction in the number of ranks to ensure a flatter organisational structure. That said, within each rank there can be a number of pay grades that should reflect years of services, experience and merit.
- 11) The armoury of the Gendarmerie should be reviewed, with all heavy military equipment transferred from this unit. Furthermore its terms of engagement should be reviewed to ensure that they and the equipment of the Gendarmerie reflect the civil nature of its task.
- 12) A parallel grading system should be developed for all non-operational staff (administrative and professional staff) within the Ministry, to prevent non-police officers holding ranks for payment purposes.

¹³ OUP (*Odeljenje unutrašnjih poslova*) – Organisational structure in charge of policing at municipal level. It is usually below the secretariats, which are comprised of a number of OUPs and are in charge of policing a number of municipalities in one region.

3. Police Culture and Community Policing

For the public, visible changes in police culture are a litmus test for the whole reform process. Police culture can be defined as the operational and ethical behaviour of police officers. It is the manner in which officers carry out their duties and as such represents for the public the greatest indicator of change within the police service. It is fair to say that progress has been made in this area – there are discernible signs of change on the streets of Serbia. However the question remains whether these are just cosmetic or whether they are sustainable for the next generation of police officers.

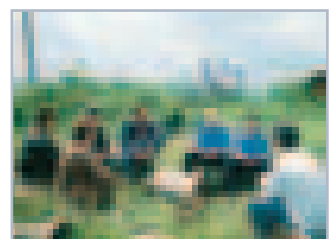


Public Perception of the Police Service

As part of the development of a policy on community policing in Serbia the OSCE carried out a public perception survey in a number of pilot sites to gauge the public's view of the police service¹⁴. The results of the survey indicate that, although the public realise that the police are making an effort to transform, a number of citizens are of the opinion that a lot of work remains to be done. Among the various conclusions, there were two major views on the police. Firstly, the police are perceived as a body that exists in order to protect the system and as an instrument of the government rather than the people. Secondly, the police force is seen as inefficient, slow and secretive, and made up of individuals lacking necessary education and training. Moreover, these views are heavily influenced by the fact that the 'old police' of the nineties was perceived as inseparable from the 'old regime', and was also associated with times of war and poverty. Additionally, respondents were largely affected by their negative experiences, both direct and indirect, and found it difficult to be positive about the police. In particular, the attitudes of the ethnic communities, e.g. Albanian, Bosniak and Roma, are generally more negative than the attitudes of Serbs, and are more related to repression, partiality and police brutality.

On a more positive note, however, the survey indicated that the police are currently perceived as somewhere half-way between the 'old police' of the nineties and an ideal police model that the citizens perceive as being the future of policing. It is interesting to note that mixed with harsh criticism and dissatisfaction, respondents also pointed to concrete advances in both police work and conduct. While there is certain dissatisfaction over the rate of the reforms in the police and in society at large, citizens seem to recognise the direction of changes as correct and justified.

The public perception survey revealed a quantifiable need to build trust between the police and the local community. It pointed to progress but also to a sizeable breach in mutual understanding that reform will have to specifically address. There was a certain amount of common issues but the report also exhibited uniquely local concerns that demand a flexible, devolved and responsive approach to policing. In a similar manner, although all citizens shared a fairly homogenous opinion of the police, there was evidence that ethnic groups who had experienced policing differently in the past now had their own expectations for the future of policing. The survey, which will act as a benchmark from which future reform efforts may be measured, points clearly to the relationship between trust and reform. It illustrates that an



¹⁴ In the 'Public Perception Survey' carried out by the Law Enforcement Department of the OSCE in December 2002, it was recognised that police officers are more polite in their daily interaction with the public.

Familiarity with Police Complaints Procedures

Source: Partner Research Survey December 2002



effective police organisation is not only good at fighting crime but is trusted, integrated and sensitive to the dynamics and needs of the local community.

Characterising Police Culture

Surveys published following the state of emergency also signified an increase in public trust of the police service. The research carried out for this report has found that complaints to the police service have generally increased during the past two years. This can be viewed as an indicator of the increased trust that the public has in the police service. While the internal affairs procedures within the service are only partially developed and accountable (and will be dealt with in more detail in a later section), there is a momentum to which the public has responded. That said, the police still lag behind the confidence levels that similar services enjoy within most democratic societies. It is important to note however that there is currently no independent recourse for the public (such as an Ombudsman) which highlights that the current system falls short of the full requirements for true accountability¹⁵. It is also felt that the public is generally unaware of its right to make complaints or the procedures to seek redress. There is a need for a policy shift from within the police service to address this. A clear message must be sent that practices that undermine individual rights will be severely dealt with through both disciplinary measures and criminal charges. Abuse of individual rights, if not systematic, was a methodology utilised in some sections of the police service during the Milošević regime. What is required now is a clear and unambiguous statement that it will no longer be tolerated. The Ministry has recently issued its new Code of Ethics, which is a step in the right direction. A Code of Ethics is intended to be the value statement of the police service, meaning that it should identify the police service's commitment to protecting people's rights and conducting law enforcement in an ethical and transparent manner. A Code of Ethics should not be a list of policies or procedures, nor should it identify

¹⁵ In one documented case, one citizen who made an allegation was asked to attend a disciplinary hearing in another district on the other side of Serbia. As he had neither the time nor the resources to participate in the hearing, he did not attend and was given no indication of what would be the consequences for non-attendance. Nothing else was heard on the issue, even though it is regulated that disciplinary hearings should take place in the secretariat where the alleged offence has occurred.

specific disciplinary actions. These issues are best left to operational regulations, policies and guidelines. The current Code of Ethics has blurred the defining line between code and policy and as such should be revised.

Following on from this there should be a review of internal regulations and policies to ensure that they are in line with the aspirations stated in the Code of Ethics. Concerns about the lack of differentiation is made between degrees of disciplinary offences within internal Ministry of Interior regulations (for example see further Article 17 of Codex)¹⁶. While in principle there is an attempt to prioritise public complaints, in practice the current internal disciplinary procedure appears arbitrary and lacks objectivity.

Reports are beginning to appear about possible abuse of human rights during the state of emergency (12 March – 22 April 2003). Allegations are being made by some of those who were detained for up to 60 days during the emergency period and concern the violation of their rights, their conditions of detention and, in some instances, their physical treatment. It is imperative that the Ministry of Interior strenuously investigates and holds to account those who have brought the service into disrepute¹⁷. If allegations are formally lodged, this will be a serious test of the change in police culture. An open process will be an opportunity for the Ministry to show that all individual rights are protected by the police services, including those regarding detention. By doing so they will uphold the rule of law and strengthen public confidence in the ability of the police to regulate itself. There remains a 'code of silence' within the police service with regard to breeches of discipline. This can only be overcome by senior officers and ministerial support for internal affairs and their participation in a campaign to inform the police and the public on the processes of accountability and internal control. The internal control aspects of dealing with allegations of human rights abuses by the police service will be dealt with in the chapter on internal control (Chapter 7).

The police education system plays a critical role in the development of attitudes and behaviour of officers. The developments in the police education system are covered in more detail in the next section. Suffice it to say that the methodology utilised by the police in crime prevention and investigation should be effective and adhere to human rights standards and principles. Furthermore, the use of the police high school contributes to the creation of an insular police culture. This can be overcome through increased civilian participation in police education and the development of a non-militarised curricula and ethos. The very act of involving civil

¹⁶ Article 17 reads as: 'No member of the Ministry may order, inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment demeaning to human personality, or any other act that violates the right to life, liberty, security of person, respect of privacy and family and home, right to freedom of peaceful assembly and association, or any other right guaranteed by the European Convention on Human Rights.

A police officer who is witness to any of the prohibited acts from Paragraph 1 of this article, shall have the obligation to report it to his/her superior officer, Inspector General, and bodies for external civilian supervision of the activities of the Ministry'.

¹⁷ These reports were from civil society, however in the course of writing this report a number of complaints about use of excess of force by the police during the state of emergency have been lodged with the Public Prosecutor. The fact that these allegations have not been made to the Ministry could highlight the lack of faith in the police and the complaints procedures.

society in police issues will inevitably open up police culture making it more responsive to public needs.

Culture and Community Policing

The introduction of community policing represents the most significant method for changing the police culture in Serbia over the long-term. The development of community policing in Serbia means a historic break with the past by beginning the process of cementing a tight relationship between municipal authorities, civil society and the police service to work together for enhanced community security.

The difficulty with police-public relations in many countries is that the police have become removed from the public and are often negatively perceived. Community policing is therefore about the police becoming a service for the people. It means that police officers do not just enforce the law, investigating and solving crime, but they also work to prevent crime occurring in the first place. The only way to deliver service of this kind is to enlist the assistance of the community.

Through this relatively simple yet crucial idea people can begin again to trust the police, when the police reach out to them and ask for their help. People begin to talk to police about problems in their neighbourhoods. The police can then begin to solve them. The areas in which this process happens become safer and the relationship between the police and the people grow too close for criminals to gain a foothold within the community.

The concept requires considerable commitment by both the police and the public and often a leap of faith. Police who are often not used to working so closely with the community have to change the way they do their job. The communities themselves have to learn work with the police, to have patience with them as they adjust to the process. But in many other places, this commitment has produced some remarkable results.

Community policing is about creating a forum for the community to have an input into how their community is policed, what issues are important to their safety and about having a police service that is representative and upholds the values of a democratic society. Community policing is not about the public becoming a part of the police service, it is about the police service reflecting the values of society and fulfilling the security needs of the public.

The Serbian police, like most police agencies across Europe, has recognised the role community policing has in developing a positive, public-oriented police service. The police service has also recognised the potential for enhanced effectiveness in police investigations and crime prevention schemes, through building close co-operation with the community. At present there are ten pilot sites for community policing¹⁸, with three international organisations involved in assisting the Serbian police authorities¹⁹.

¹⁸ In Belgrade at Zvezdara, Novi Bečej, Kragujevac, Vrnjačka Banja, Požega, Bujanovac, Preševo and Medveđa, Novi Sad and Bačka Palanka.

¹⁹ Including the OSCE, the Swiss Development Agency, the UK's Department for International Development (DFID) and the Norwegian Police Service.

The major concern with regard to these pilot sites is the diversity of input into the sites, which will inevitably lead to difficulties in analysing the outcome and the development of a specifically Serbian approach to community policing, dealing specifically with the security needs of the Serbian public. This has more to do with the manner of international engagement in the reform process by international actors.

That said, there is no doubt that the introduction of community policing will dramatically affect the manner and content of policing in Serbia. Community policing will positively influence the culture of policing in Serbia, and lead to engagement with the public as never seen before in Serbia. Overall, it is to be encouraged and supported. It represents the most effective mechanism for altering the way in which the Serbian Police Service operates today and for the future.

Proposal to Establish a Municipal Safety Fund

The new Law on Local Self-Government envisages a much greater role for municipal authorities with a view towards devolving more authority down from central government institutions. Essentially this law will financially empower local municipalities by broadening their role in the maintenance of local services delivered to the public.

Bearing in mind the following impediments to reform:

- Lack of finances
- Police corruption (through abuse of the on-the-spot traffic fine systems)
- Top level political influence

It is recommended a fund be established in each municipality to fund local policing efforts. This fund may be called the Municipal Safety Fund and will be administered by the Municipality. Essentially it involves re-positioning police officers who deal with local crime issues and initiatives alongside other municipal services. The fund will be built primarily by including a five dinar per month service charge to every household in the municipality for local policing, payable to the local municipality and charged alongside other fees. It is recommended that local businesses be charged a larger service charge – maybe ten dinar per month.

Calculating households alone, in a Municipality such as Zvezdara in Belgrade with 63,000 households²⁰ this charge would create a fund comprising over 58,000 Euros per annum. If the income received from businesses was included this figure would be significantly higher. Ten per cent of this income would be used for administration purposes. The remainder could be used to finance local policing initiative/needs as defined by a Municipal Safety Council²¹ which would organise local public meetings dealing with local safety and would quality assure the expenditure. The legislation also provides municipalities with powers to increase public

²⁰ According to the 2002 Census of the Republic of Serbia.

²¹ Local policing plans will be issued by the local Police Chief setting out the proposed arrangements for the policing of the police municipality. Municipal Safety Councils are currently being developed by the Ministry

participation at a local level. It would of course be essential for accounts to be made public and disseminated locally at the end of every fiscal year outlining how the money was spent.

This fund would decrease the dependence of local police on central government institutions, make policing more locally accountable and responsive, and give local institutions more power over policing priorities. The budget for the Ministry of Interior would concentrate on national policing needs such as the construction of a forensics department, the fight against organised crime, equipment and vehicle purchases, etc.

This Municipal Safety Fund could be further supplemented if the system of on-the-spot police fines was transferred to the municipality. In this scenario police fines would be payable at the local municipality offices and would immediately be added to the fund. More radical, though highly feasible, is the recommendation to pay into the fund the deducted pay of police officers who have been fined for disciplinary reasons²².

The charge on households and businesses could increase annually and become an institutional levy for policing that would in time enable police salaries to increase, provide for items such as signs marking areas where neighbourhood watch schemes operate, assist with training for non-governmental organisations and police, etc.

The Municipal Safety Fund should be viewed as an idea with the potential to develop community policing initiatives at a local level. While it is probably too early for the implementation of such an idea, the core principle of engagement with the community holds valid no matter what community policing initiatives are developed.

Recommendations

- 13) There should be a review of internal regulations to ensure their compliance with international norms.
- 14) The Code of Ethics should be re-written to reflect the police service's commitment to protecting people's rights and conducting law enforcement in an ethical and transparent manner.
- 15) Simply distributing the Code of Ethics is not sufficient. It should be supported by a nation-wide campaign to actively educate the public and the police officers of the rights, obligations and the consequences of breaching this code. This campaign must be initiated

Working Group on Community Policing in five pilot sites. It is proposed that one function of these councils will be the preparation of a plan that would outline their policing priorities. The Police Chief must consult with the Municipal Safety Councils when developing local plans and take account of the views expressed. The Municipal Safety Councils will influence the local policing plan by consulting and reflecting the views of local people who will be invited to attend open public meetings. The Municipal Safety Councils will also monitor the performance of the police in delivering results from the reform process, as it relates to the municipality, and the local policing plan.

²² Care should be taken to ensure that the transfer of on-the-spot fines to this fund does not lead to a fining frenzy, where fines are seen as a fundraising endeavour for the police service. Such a situation would further damage relations with the community, having the opposite effect for which the fund was established.

and supported by senior management within the police service and the Ministry. This campaign can stimulate the discussion on the reform process, the Law on Police and the Law on Police Education that should take place throughout Serbia before these laws go to Parliament.

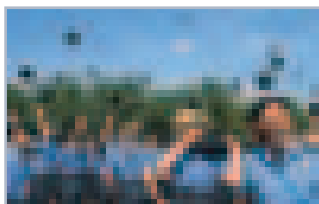
- 16) The upcoming laws on police should contain defined disciplinary measures for breaches of the Code of Ethics and internal regulations. These should be supported by the development of internal regulations that ensure a transparent, impartial and a fair complaints procedure. Regulations should support both an aggrieved victim and an innocent police officer.
- 17) The Ministry needs to declare clearly and unambiguously that corruption of any kind, from minor incidents through to serious violations of individual rights, will not be tolerated within a modern police service.
- 18) In the interest of furthering community policing and the decentralisation of authority, a Municipal Safety Fund should be established. This proposal should be first pilot tested and may be contingent upon the implementation of the Law on Local Self-Government.
- 19) Greater support should be given to developing a Serbian approach to community policing. Community policing will lead to greater engagement with the public and represents the most effective mechanism for altering the way in which the Serbian Police Service operates.

4. Police Education

As mentioned previously, police education is the determining factor for defining the future culture of the police service. Introducing new recruits during basic training to policing principles and curricula in line with human rights standards and accepted guidelines for use of force can cement attitudes and behaviour at a critical juncture. Career development opportunities will make the job more attractive. In-service training and support for officers undertaking external courses will contribute to a more professional service. Education alone however is not the sole factor to influence police culture. Skills need to be supported by the necessary technical equipment to enable officers to carry out their task effectively.

At present police education can be divided amongst three institutions: the Police High School, the Police College, and the Police Academy. A significant number of plans have been drawn up over the previous two years to develop police education. These plans, if implemented and adequately supported, provide the platform for a self-sustaining police education system that will produce officers of high calibre.

Police High School



The Police High School enables secondary school students to specialise at an early age, so that they may either enter the Police College or join the police service as a uniformed officer. Currently located in Sremska Kamenica, it hosts students (all male) in dormitory accommodation and provides a four-year education that maintains many aspects of military training. The socialisation and isolation of police recruits from the general public at such a young age is counterproductive to the development of a police officer in tune with the values of society and an understanding of the needs of the public. Fortunately this has been recognised by those responsible for education within the Ministry and a plan to phase out the use of the high school has been developed. This plan however is not an integral part of the pending Law on Police Education but is due to be implemented within two years. The continuation of the high school is deemed necessary for the next two years because of the difficulties in attracting recruits into the police service, especially recruits from Belgrade. While it is arguable whether this is the most productive method to obtain police recruits, it is understandable.

The plan foresees the transformation of the Police High School into a post-secondary basic training facility for all potential recruits who have passed through normal secondary school education. There is currently a six-month training course at Klisa (for men) and a four-month course in Kula (for women) for recruits not from the Police High School; this programme will also be combined with a 1-2 year basic training programme, which will be held at Sremska Kamenica²³. This will overcome the current problem of having recruits entering the service with different training, different values and different perspectives of policing. Therefore, this move to create a homogeneous basic training course is to be commended and supported. Furthermore, the current system of segregation of female and male officers at basic training should cease, as the curricula for each should not differ, there is no justification for separate courses to be held²⁴.

²³ The current training site at Klisa will be developed into a regional training centre (see later in this section).

²⁴ The Ministry states that the need to increase female participation within the uniform police service meant that they had to put on special courses. After the 10% threshold has been reached (equating to just over 2,000

A question remains, however, whether the future training centre in Sremska Kamenica will be able to produce enough recruits in order to service the national needs for police officers. Natural wastage, lustration and low morale due to issues such as police pay, are having an effect on police numbers²⁵. There will inevitably be a need for an increase in the number of recruits entering basic training. The Ministry will in time have to open up another basic training centre and could utilise this decision to increase the diverse representation within the police service and open up a basic training facility in a regional centre such as Mitrovo Polje. This would enable the Ministry to target minority groups or those from other social groupings that may not look favourably on training in the capital at such a young age²⁶.

Police College and Police Academy

The Police College currently caters for operational training and intermediate management positions, while the Police Academy is more of a university-level institution catering for senior management and command staff. There has been a review of curricula over the previous two years, which has led to the cessation of military-style subjects and the introduction of a more practical methodology, in what were previously largely theoretical courses.

The current proposal outlined in the Law on Police Education is to amalgamate the above institutions into one Police Faculty that would also be open to civilians and would be affiliated with the Belgrade University. The planned site for this institution is at the current Police College²⁷ in Zemun. However significant infrastructure development will be required to bring this site up to the necessary standards to accommodate students and provide the facilities necessary for a modern police education facility. At present, resources are not available for such developments even though it is envisaged that the Police Faculty should be unveiled this year. There is currently a request before the government for the use of the military barracks adjacent to the Police College. Unfortunately, as this building was damaged during the NATO bombing its reconstruction would also involve significant costs. If the request for this extra land is rejected the plan is to build extra floors on the current buildings of the Police College.

The creation of a single Police Faculty²⁸ has long been recommended by the international community and should, therefore, be a welcome development. The current challenge is the development of courses in line with international standards and modern policing techniques.

officers) the plan is to incorporate new male and female recruits into the first generation of the new 'Basic Training Course'. An evaluation of female officers will take place over the next 2 to 3 years before a decision is made whether to increase the 10% threshold of female officers in the uniform service.

²⁵ The recent six-month police report (June 2003) states that under the current systematisation within the Ministry there are 53,335 positions of which 37,837 or 70.94% are occupied.

²⁶ It will also help that all new recruits have similar training and the same curricula so that no differentiation can be made between levels of capability.

²⁷ There have been some difficulties with minority groups entering the Police College and suffering the effects of ignorance from fellow students. While Ministry authorities condemn such situations a more proactive role should be taken to prevent such situations and to encourage minority participation at high educational police institutions. Such situations are a microcosm of the difficulties faced in policing in a multi-ethnic environment.

²⁸ At present there are plans for the Police Faculty to offer both 3- and 4-year courses. The 3-year course is more operationally based while the 4-year course is aimed at senior management and command staff.

The Police Faculty will also have the potential to offer graduate qualifications in courses not directly connected to traditional policing modules. These include areas such as forensics, crime scene management, criminal intelligence and management. The development of curricula in this direction will require co-operation with police and civilian institutions in other countries. While such contacts already exist, a review and development of curricula should take place in a planned and co-ordinated manner. This can be assisted through the establishment of an international Curricula Development Board, made up of senior police education experts from foreign countries and the future heads of department in the Police Faculty²⁹. As it is envisaged that the Police Faculty will be in place in time for the next academic year, the establishment of such a board and the provision of assistance for the development of the Faculty's infrastructure is seen as a priority. The Bulgarian Chairmanship of the OSCE has identified education as one of the priorities for 2004 and therefore this is a timely development for the provision of OSCE assistance to this ambitious project with the potential of cultivating future recruits for the Serbian Police Service. One of the main aims of the Police Faculty, and one of the reasons why the international community should assist this process as a matter of urgency, is the establishment of this Faculty as a regional centre of excellence³⁰.

The development of such a specialist Police Faculty offering undergraduate and postgraduate courses and affiliated to the University of Belgrade, will also provide an opportunity for the police service to attract officers in areas that are currently underdeveloped and understaffed. There exists, at present, a need for IT specialists, forensics specialists and analysts. By offering scholarships in these areas and requesting that graduates spend a specific number of years in service following their graduation, the police service will gain in intellectual capital and resolve some of the current staffing deficit.

The OSCE can also assist regional police services through the development of a database on police education³¹. The OSCE's added value to international operations is its work in the areas of security sector reform and its role in the stabilisation and democratic processes in transition countries. The centralisation and mapping of developments within the area of police education, together with the production of a resource available to field missions and national

²⁹ Assistance should be sought on curricula from the Association of European Police Colleges (AEPC) and the Collège Européen de la Police (CEPOL). It has been tacitly agreed that the International Curriculum Development Board should be an informal board with an advisory and consultative mandate. The majority of their work would be to work on curriculum development, prior to the first entrants into the Police Faculty. Thereafter during two following years their role would be evaluation of curricula implementation.

³⁰ In time, the question of the Montenegrin Police Service developing a university-level police education institute will inevitably come to the fore. A short-term agreement should be reached on the participation of Montenegrin officers at the Belgrade institute, as it does not make financial sense at this time to establish such a separate, specialist institute in Montenegro. This will also allow the Montenegrin police authorities to gain the necessary expertise to establish such a specialist institute some time in the future. Furthermore, while the functioning of national police services has become a matter for the respective republican Ministries, the close co-operation fostered between intermediate and senior police managers during their joint training will be vital for future high levels of co-operation that will be necessary between both services. Montenegro should, of course, maintain its own basic training and specialist training academy in Danilovgrad.

³¹ This could possibly be carried out through the OSCE's Strategic Police Matter Unit (SPMU) in Vienna.

police services, will greatly assist the standardisation of principles, practices and policing standards internationally. The sharing of such knowledge will facilitate further development in this areas and foster regional co-operation, necessary factors in the global fight against organised crime and terrorism.

Police Training Centres

In addition to basic training and the establishment of a Police Faculty, the current plan for police education envisages the development of police training centres throughout Serbia. These centres will focus on providing continuous education and facilitating career development within the police service. Specialist operational training and developments in policing methodology will be the core of the curricula. These police training centres will provide the best medium for re-training and introducing police officers (who have served under the former administration) to advances in police methodology that have occurred in the years prior to October 5th 2000.

The OSCE has already assisted with the provision of curricula for the Modern Police Training Course³². The greatest development however has been the introduction of the Trainer Development Course (TDC), a six-week course aimed at the training of trainers. This course is currently being offered to Serbian and Montenegrin police trainers at the OSCE's Advanced Police Training Centre (APTC) in Zemun. The course focuses on the introduction of a new student-centred approach in teaching methodology and it is envisaged that graduates from this course will become the trainers in the new police training centres. Furthermore it assists in making developments within police education more sustainable through the training of future police trainers. There is a strong argument to be made for both the OSCE and the Ministry of Interior agreeing to continue the TDC. The new series of the TDC should include those trainers who will be responsible for the development of the new Basic Training Course at Sremska Kamenica and for operational trainers within the new Police Faculty. Furthermore, the OSCE can assist with the development and monitoring of curricula in co-operation with their Serbian colleagues.

Police Trainer Exchange

Curriculum development and the introduction of a new teaching methodology is a difficult process and requires some time for its implementation. A programme to implement such changes, utilised by universities across the region for the past number of years, has been that of lecturer/trainer exchange³³. The idea was that a lecturer from a third level institute in another country becomes a visiting lecturer in the local university, bringing with them their new curricula and their teaching skills. During the year's secondment, the curricula and the skills are transferred to younger members of the faculty who can then take over when the

³² The Modern Police Training Course focused on modern investigative techniques and policing ethics and principles.

³³ This has especially been utilised by universities teaching social sciences for the introduction of new courses in European Integration, International Relations and International Political Economy.

foreign lecturer leaves. It is also a proactive way to introduce the teaching of foreign languages as all courses are taught in the language of the visiting lecturer.

Such schemes have proved successful for universities throughout the region and there is no reason why a similar programme cannot commence with the exchange of trainers from other training academies throughout Europe. The transfer of knowledge and practical experience gained would be beneficial for the officers and training staff alike.

There is a general need to improve language education amongst officers. This is not only necessary as the country begins to open up to foreign nationals but it is imperative for officers to be able to read about advances in police education and methodology in other countries³⁴.

Recommendations

- 20) International support should be channelled towards the development of the Police Faculty. This support should take the form of curricula development, teaching equipment and infrastructure development.
- 21) The use of the Police High School in its current form should cease as soon as possible and post-secondary standardised Basic Training Centres established post haste.
- 22) The Ministry of Interior should establish a second Basic Training Centre in southern Serbia or at another regional centre, utilising the same curricula and teaching methodology as in Sremska Kamenica.
- 23) A review panel should be established to overview the development of curricula at the proposed Basic Training Centre. The OSCE should facilitate and assist in this process.
- 24) The Trainer Development Course should be continued and should become a prerequisite for all trainers teaching the proposed Basic Training Course and for those teaching operational modules at the Police Faculty.
- 25) Agreement should be reached between the Ministries of Interior in Serbia and Montenegro about using the proposed Police Faculty as an undergraduate training centre for intermediate and senior Montenegrin officers and command staff.
- 26) The Government of Serbia should propose the affiliation of the new Police Faculty with the University of Belgrade and aim to develop courses in line with the needs of a modern police service, such as forensics, crime scene investigation, intelligence analysis and management skills.
- 27) Consideration should be given to providing scholarships to undergraduate and postgraduate students, with the aim of filling the current gap in specialist skills within the police service.

³⁴ Organisations in Belgrade such as the British Council, the Goethe Institute and the French Cultural Centre could be approached to assist with professional language training for police officers.

28) The OSCE, with the assistance of member states, should establish a centre for police education (which could be developed as an online resource), within the SPMU in Vienna. The purpose of the centre would be to act as a resource for developments in police education and the standardisation of police education, principles and procedures through the sharing of knowledge and experience in the area of police education.

29) It is recommended that a police trainer exchange programme be developed in association with other police training institutes across Europe. The purpose of the exchange is the introduction of new curricula and teaching methodologies, as well as the training in foreign language proficiency.

5. Organisational Structure and Strategic Planning

The Vision Document

The Vision Document on the Reform of the Ministry of Interior of the Republic of Serbia took two years to prepare and was presented by the Danish Institute for Human Rights and the Ministry in March 2003. The document received submissions from each of the fourteen working groups, which comprise the Ministry of Interior Steering Group for police reform. Cogently, the report pinpoints the most critical issues for reform of the police as: de-politicisation, reform of obsolete and inadequate legislation, decentralisation, behaviour of individual police officers, human resources, and the unrepresentative composition of the force. The primary reference point, in addition to internationally recognised human rights and policing benchmarks, is Richard Monk's *Study on Policing in the Federal Republic of Yugoslavia* (July 2001). The working groups each took a chapter to outline their respective visions:

- The Cabinet of the Minister
- Operations Centre
- Control and Oversight
- Policing
 - Criminal policing
 - Public order policing
 - Traffic policing
 - VIP policing
 - Community policing
- Organised Crime
- Analytics
- Special Units
 - Gendarmerie
 - Anti-terrorist Unit
- Border Policing
- State of Emergency Procedures
- Administration
- Human Resources & Education
- Information Technology
- Finance
- Helicopter Unit

The Vision Document is a frank internal perspective into the problems encountered by policing in Serbia. In this regard it is a major achievement for the reform process in the Ministry of Interior and represents a tectonic shift from the past. Each chapter catalogues a list of aims and strategies together with five-year objectives. Tables are attached which list performance indicators with tasks to be accomplished and criteria for success. A number of chapters discuss the current situation and propose a direction to move towards the agreed-upon vision of a democratic and effective policing organisation.

There are, however, certain limitations that need to be highlighted in order for the document to be useful to policy makers. Although a number of senior Ministry of Interior officials interviewed were unaware of its content, the Vision Document was described by those who had read it as a good beginning. Most agreed that the document required revision and that from it detailed strategies needed to be drawn. Few NGOs and no municipal officials interviewed were aware of the report³⁵. The fact that its drafters did not invite submissions from organisations and institutions that the Vision Document itself registers as 'clients' means the report suffers from a lack of external input. This, to a certain extent, firstly delegitimises the document and more importantly results in a report that is overly police-centred in its perspective. It shows to the public that reform is a closed process. This is further evident when one sees that performance criteria are not subject to independent evaluation and that

³⁵ Some of those from civil society who participated in the work of the Think Tank claim that their views were not incorporated into the document and that it was a completely 'internal' Ministry document.

even within the Ministry responsibility for the achievement of these criteria is not specifically assigned to recognisable bodies or individuals. Furthermore, the Steering Committee, which meets four times a year, is comprised of an inordinate and somewhat tautological number of working groups. It seems a cumbersome mechanism that does not promise a swift and efficient response to the more urgent demands to reform the police.

There is also a problem with the success criteria listed. They are mostly vague and unrevealing of progress. The performance indicators need to be made more time-specific³⁶ and milestones need to be created that would better enable progress to be evaluated without the necessity of gathering massive amounts of quantitative data from each Police Secretariat.

Additionally, despite the introductory chapter recognising the aims of police reform as de-politicisation and decentralisation, it is very difficult to see which aspect of the Vision will achieve either of these goals. Further consideration is required to ensure these essential drivers of reform are firmly built into the Ministry's vision. The report needs further development to produce a more succinct, accessible and practical report, a report in which the Ministry of Interior could be justifiably proud and which would chart the course of reform over the next number of years.

Organisational Structure

It is imperative to have a carefully considered and comprehensive re-organisation of the structure of the police service. At present the Ministry and the Police Service are completely integrated and inseparable. This promotes the opportunity for political intrusion into the affairs of the police service. Ideally the police service would be independent but accountable to a government Ministry. One of structural leftovers from the former regimes (both communist and nationalist) is the inseparability of politics and public order. For this reason it is often difficult to clarify the difference between control and accountability. Accountability always implies democratic oversight of the police service's operational activity.

This section presents an outline of possible changes to the organisational structure of the Ministry. These proposals are based on experience in other countries and are presented as sample solutions. Within the organisational structure there is a need to differentiate between the operational activities for which the Ministry is responsible. Three potential operational areas include the Fire and Rescue Service, the Police Service and the Border Police Service (see Diagram A below). The acceptance of the above divisions and the need to clearly demarcate the political from the operational, however, reveals an inherent problem with real structural reform within the Ministry. This means that if operational activities are removed from the Ministry into separate services, accountable to the Ministry, the Ministry would be responsible for policy and regulatory development, as well as oversight. The Ministry is responsible for the development of legislation and the creation of the legal framework within which the police service operations. The Ministry communicates government policy to the police service, while the National Commissioner is responsible for turning that policy into

³⁶ For instance five-year and ten-year goals seem arbitrarily chosen. (On Page 59 the goals are given a five year time-frame bracketed by the word 'ten'.)

operational activities. The police service also keeps the government informed, through the Ministry, of developments in the crime/security situation. The Ministry is responsible for the development of priorities, which are reflected in the annual budget submissions.

Therefore, when developing an organisational structure for the police service, it is important to keep in mind the current difficulties, and what objectives an organisational structure should achieve. These can be summarised as:

- Decentralise decision making to the lowest possible operational level.
- Depoliticise the operational aspects of the service.
- Clear organisational structure, chain of command and lines of responsibility.
- An organisational structure that maximises resources and facilitates co-ordination of activities.
- Emphasis on horizontal rather than vertical development.

The current discussion on the development of the organisational structure centres on the changes proposed in the Vision Document. However, it should also be noted that the organisational structure envisaged within the Vision Document does not reach the necessary standards of political independence and operational effectiveness. Much can be learnt from organisational reform in other police services, where the emphasis has been on decentralising local decision making, while centrally co-ordinating national crime issues that affect all regions. A flat, uncomplicated and adaptable structure has also become the norm in police services throughout Europe.

At the end of this section two alternatives are put forward for the organisational development of the Ministry of Interior. The main characteristics of these developments are as follows:

- A) For reasons of operational effectiveness and the development of clear command responsibility, the operational aspects of the Ministry should be divided into the Fire Fighting and Rescue Service, the Police Service and the Border Police Service. There is an argument to be made that the Fire Fighting and Rescue Service should fall under the control of local government authorities. In the absence of such a decision, the Fire Fighting and Rescue Service can remain a distinctive but integral part of the Ministry of Interior.
- B) The area of responsibility of the Ministry can be likened to a political directorate there to support the Minister, it focuses on the development of the policy and legal framework within which the police service operates.
- C) The Police Directorate (or Police Headquarters) represents the command headquarters of the police service and is where the Commissioner and his senior staff are located. The Directorate is also responsible for the development of national strategy/policy, overall responsibility for budget, personnel and the logistics of the police service.
- D) To enhance effectiveness through the delegation of command responsibility the country would be divided into five security zones (Belgrade, North, South, East and West). This

division is not part of the constitutional issue of political decentralisation but should be viewed purely from an operational perspective. Each zone should be responsible for crime prevention and investigation. It is important to note that this division does not mean a physical division of the police service, nor the creation of regional headquarters (with the formation of an extra layer of personnel and bureaucracy that this would require). The main idea is that this division would reflect a reporting line of accountability to senior command staff within the Police Directorate. The proposed head of security zones would be responsible for ensuring that national policy is implemented at a local level.

- E) Criminal Investigation Directorate (CID) at the national level will be a support and co-ordination unit. CID at national level should focus, among other things, on the development of specific strategies for criminal investigation as well as providing assistance for complicated cases. Such assistance may relate to crime analysis and forensic support, and would cover expertise that would not normally be financially viable at a local level.
- F) A discussion should take place as to the objectives and focus of the Organised Crime Directorate, whether it is a policy or an operational unit. If the work of the OCD is purely policy-oriented then the current division between the OCD and CID is not under question. However if the OCD is intended to be operational in nature then there is the inevitable possibility of overlap and confusion regarding chain of command and case responsibility. This needs to be clarified and will define the final structural framework at national and local levels.
- G) The development of a centralised criminal intelligence component at national level is imperative. There is a need to create a criminal intelligence capacity that can feed input from, and provide access to, all directorates from the Border Police Service, to the Organised Crime Directorate and all Secretariats. This is possibly best situated within the national component of CID, due to the presence of the international liaison office (Interpol, Europol) within that Directorate. That said, the analysis of this intelligence for organised crime activity can potentially occur within the OCD.
- H) The current Analytics Directorate should be developed into the strategic development component of the police directorate (at national level). If there is to be a clear division between the Ministry of Interior and the Police Directorate, similar units should be placed within each. The Ministry-level component should focus on policy development, while the police directorate component should focus on strategies to operationalise the policies developed within the Ministry.

A further issue of note is the need to review the structure and strength of the Traffic Police Unit within the police service, while building a cadre of highly trained and ethical traffic enforcement professionals. As part of this assessment the most effective use of the police service resources should be considered³⁷.

³⁷ It is interesting to note that 49.2% associate the police with traffic control, where as only 26.8% associate them with protecting people and property (source: Partner Research Survey, December 2002). Also in the above study it was highlighted that 44.4% of the people would like to see the police focus on protecting people and property, while 24% stated traffic control.

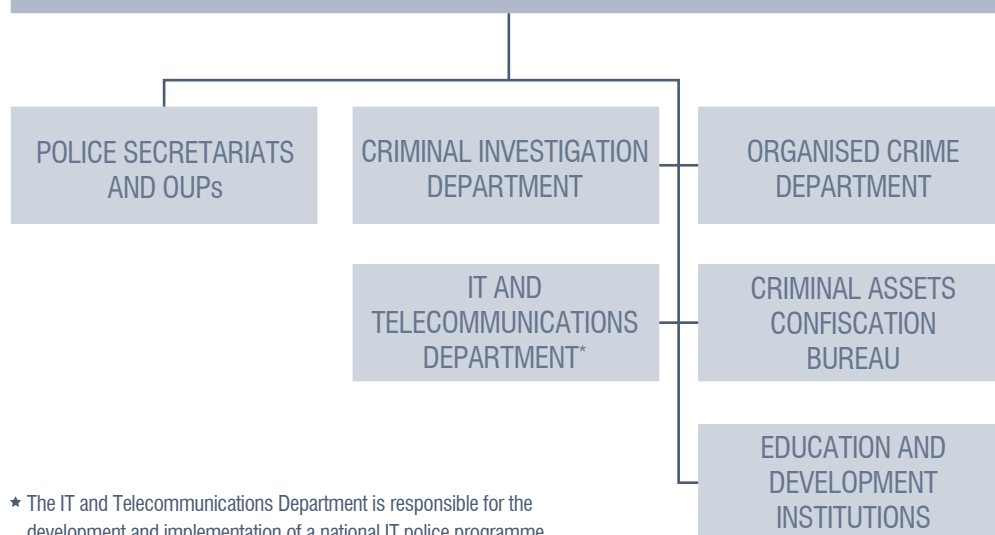
There should also be a consolidation of the SAJ³⁷ into another of the operational police directorates. This unit describes itself as an anti-terrorist unit, utilised for specialist intervention activities. Unlike the Gendarmerie, the SAJ operates mostly in Belgrade and deals with hostage and terrorist situations. It is important that the SAJ remains in a clear and accountable chain of command within the police service structure. Taking into account their activities, placing them as a special unit within the Belgrade Police Secretariat would be both appropriate and most effective. The argument against such an arrangement is that this may mean that the SAJ cannot be utilised throughout the whole territory of the Republic of Serbia, however a special arrangement in this regard can easily be made. In line with special anti-terrorist units in other countries, an argument in favour of placing the SAJ within the Belgrade Secretariat is to enable the officers of the SAJ to participate in other operational duties.

POLICE DIRECTORATE

The Police Directorate should be seen as the national police HQ, headed by a National Commissioner and the senior staff. In addition the command staff for the five security sectors can also be based within the Police Directorate.

The following departments should also be represented:

- a) Human Resources and Administration
- b) Office of International Co-operation
- c) Strategic Development
- d) Office of Spokesperson



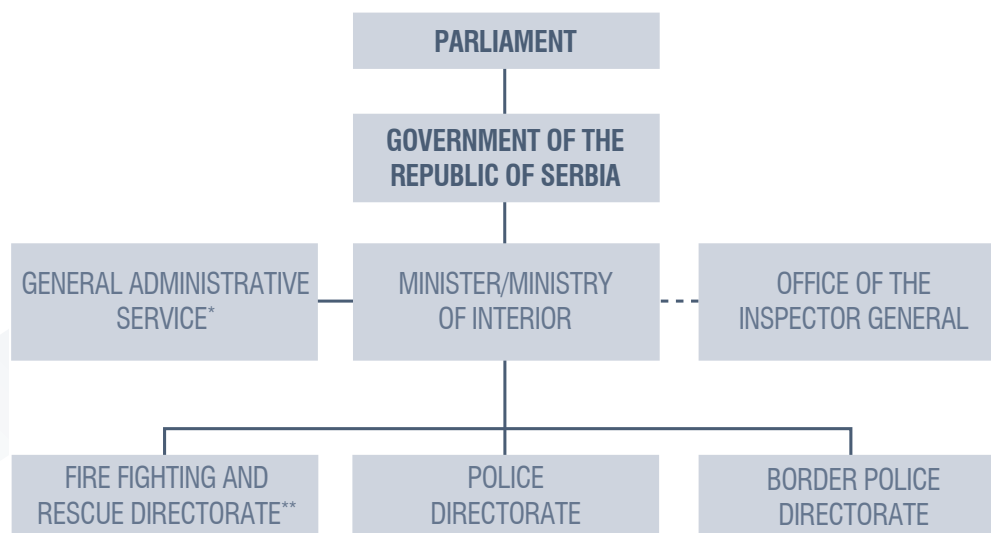
* The IT and Telecommunications Department is responsible for the development and implementation of a national IT police programme.

³⁷ SAJ (*Specijalna antiteroristička jedinica*) – Special Anti-terrorist Unit, one of two special police units.

DIAGRAM A - Division of operational authority within the Ministry of Interior

Ministry of Interior vs Police Directorate

The Ministry of Interior represents the political directorate, there to support the Minister and develop the legal framework within which the Police Service operates. The Police Directorate, the Police HQ, is responsible for the development of national strategy/policy, overall responsibility for budget, personnel and the logistics of the police service.



* General Administrative Service is responsible for the issuance of ID Cards, Passports, Drivers' Licences and Vehicle Registration.

** The Rescue segment of this Directorate relates to mountain rescue, river rescue, natural disaster and search and rescue teams.

For instance, the practice in some other countries is for such units to be operational in normal police duties half of the time while continuing their specialist training the remainder of their time. This would also enable the Belgrade Secretariat to utilise the unit's specialist skills during 'serious incidents'. It would also enable the members of the units to keep up-to-date in developments in police investigations, thereby enabling them to continue with their career following their time as a member of the special unit.

Strategic Development within the Police Service

There is an evident need to develop the strategic development/management component of the police service and the Ministry. Any reform process requires a core group that will act as the engine for the implementation of the reforms. This group would be responsible for the co-ordination of strategies and initiatives. A small group has recently been named as responsible for this task and is headed by the chief of the Analytics Directorate within the Ministry. That said, a specialised unit should be established that is trained in strategic and change management and permanently responsible for assessing, developing and evaluating the police service's reform strategy and investigation methodology. Currently the Analytics Directorate is responsible for gathering and collating statistical data on crime within Serbia³⁹ and with providing analysis of crime trends. Significant development of this department would be required if it is to play the role of strategic management.

³⁹ As crime figures are calculated on the number of criminal cases brought and not the number of incidents which have occurred, such use of statistics can be misleading and does not give the public an accurate understanding of criminal activity in Serbia.

Following the SEPCA⁴⁰ meeting held in Belgrade in June 2003, a regional initiative was launched with the assistance of the RCMP⁴¹, in which the development of strategic planning was seen as a priority. The OSCE is currently working with the Ministry of Interior and the RCMP in this regard. It is evident that currently within the Ministry nearly all decisions are made at a very senior level. The organisational structure as it stands encourages 'micro-management'⁴², which slows down decision-making and does not empower middle management to take responsibility for reform or operational decisions. There appears to be little communication between departments other than on a formal basis and at a senior level. Therefore, the process of filtering changes down the management structure is difficult and, as most officers do not feel a part of the process, ownership of these changes therefore remains within the senior ranks. There is a need for a strategic management unit to co-ordinate the reform activity across all departments and regions. There is a strong argument to be made that if a real division is made between the Ministry (responsible for policy) and the police service (responsible for operations), that two separate sections should be established. The first should develop Ministry policy and co-ordinate the reform process. While the second component within the police service is responsible for the development of crime investigation methodology, such as the establishment of a national crime prevention/investigation strategies.

Recommendations

- 30) The Vision Document should be viewed as the basis of the Ministry's reform strategy, however this document needs to be supplemented by detailed plans, timelines, specific milestones, realistic goals and practical steps to realise the vision of a new police service.
- 31) New reform indicators should be developed that are measurable and which can be used to monitor progress in the reform process. The OSCE should agree to be the independent monitor of the reform process and as such produce periodic assessments on the progress achieved towards the agreed performance indicators and highlight the areas in need of further attention.
- 32) As part of the upcoming Law on Police, the new organisational structure of the Ministry should focus on:
 - The division of the Ministry, responsible for policy and oversight, from the operational units (the Police Service, the Fire Fighting and Rescue Service and the Border Police Service).
 - Separating all administrative services provided by the Ministry (e.g. issuing IDs, passports, driving licences, etc.) from the Police Service and assigning them to the new General Administrative Services Directorate. In this way, this role of the Ministry would lose a 'uniform' character and would be perceived rather as an ordinary public service. Eventually, this type of service should be separated from the Ministry and assigned to other public agencies.

⁴⁰ SEPCA – South East European Police Chiefs Association

⁴¹ RCMP – Royal Canadian Mounted Police

⁴² Micro-management is the inability to delegate sufficient authority down the organisational structure.

- Greater decentralisation within the police service aiming to increase operational effectiveness and the delegation of authority and responsibility. This can be achieved through the division of the country for command purposes into five security sectors. The main idea is that this division would reflect a reporting line of accountability to senior command staff within the Police Directorate, who would be responsible for ensuring that national policy is implemented at local level.
- Greater co-ordination of those departments involved in national/trans-national criminal activity.
- The development of a viable and sustainable criminal intelligence capacity within the police service, accessible by all necessary operational units. Thought should be given as to where this component is best placed and how departments could best utilise this service.

33) The organisational structures as developed as part of this report should form the basis of discussions on a new Ministry and police structure. The aim of this proposal is to assist with the discussion on structural reform which will have a direct impact on the effectiveness of the police service in the future.

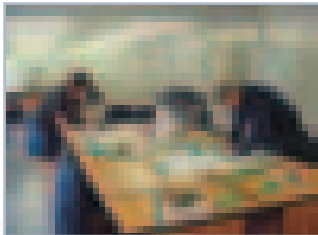
34) There is a need to review the structure and strength of the Traffic Police Unit within the police service, while building a cadre of highly trained and ethical traffic enforcement professionals. As part of this assessment the most effective use of the police service resources and the potential for multi-skilled officers should be considered.

35) The strategic development component of the Ministry and the police service should be enhanced and supported. A Ministry-level component—possibly developed from the current Analytics Directorate—should focus on developing and overseeing strategies aimed at implementing the Ministry's reform objectives. The strategic development unit within the police service should focus on the development of specific operational methodologies, aimed at turning Ministry policy into operational practice. There should also be strategic development components established at secretariat level.

36) There should be an independent audit of the resources and internal procedures of the Ministry as part of the new systematisation envisaged under the draft Law on Police due before the parliament in 2004.

6. Administrative Reform, Human Resources and Career Development

Administrative Reform



One of the main recommendations of the OSCE Study on Policing in Yugoslavia was for the Ministry of Interior to carry out a comprehensive audit of the administrative functions of the police service. This audit has still not occurred two years on.

A central part of any modernisation/reform process is the need to assess how the police carry out its operational and administrative duties. The focus should be on efficiency and effectiveness. The Ministry of Interior and the police service are working within tight budget constraints. While a strong argument can be made for the government increasing the budget for the police service, there is also a need for the service to show that it is using its current budget in the most effective manner possible.

The review of administrative structure and procedures should include staffing levels, budget procedures and means of utilising human resources more effectively within the Ministry and the police service⁴³. The review should also develop transparent procedures in relation to budget formulation and spending, making the process more transparent and accountable.

Once the audit is completed, it is feasible that significant change will need to take place as regards administrative procedures and personnel. Once this occurs change management will become an important aspect of the management role within the police service. Proper change management will be required to ensure that reforms do not damage the motivation of employees and that the aims of the reform process are successfully achieved.

Human Resources and Career Development

It is evident that an independent audit of the human resources and procedures within the Ministry must take place as a matter of urgency⁴⁴. This must be linked to the new systematisation⁴⁵ that will occur in the Ministry in 2004. No such audit has occurred in the period of the previous two governments, leading to a situation where the bureaucracy and administration has developed in a manner not consistent with the needs of a modern police service. A glaring example of this is contained in documents received from the Ministry, which show that there are 1,151 members of the Board and Lodging Directorate

⁴³ An assessment of the management information systems within the police service has recently been carried out by KPMG as part of the DFID-funded Balkans Safe and Secure Access to Justice Program. The report is entitled 'Management Information Improvement Project (MIIP) Donor Proposal' – June 2003. While this is exactly the type of assessment that should be undertaken, its scope should be increased and its recommendations implemented.

⁴⁴ For instance the Ministry of Interior has inherited staff from the federal ministry and the DB (who did not join the BIA when it was established), without assessing resources needs or skills requirements.

⁴⁵ The new systematisation will define the function of posts, as well as a number of such posts allowed within the Ministry.

(the administration directorate has an additional 487 members) compared to 1 person in the Internal Control Directorate and 100 in CID and 103 in Uniform police⁴⁶ (these figures represent personnel figures for HQ). Such an audit should focus on operational efficiency, simplifying administrative procedures and ensuring transparent recruitment procedures and truly meritocratic promotion systems.

Throughout the Ministry it was continually emphasised that there is a growing difficulty in keeping skilled officers and encouraging quality recruits to join the service. The main reason given was that pay and conditions for police officers are wholly inadequate. While this is the case across much of the government administration, it is particularly critical within the police service. Society demands that police officers uphold higher standards of integrity than is normally expected throughout society in general. At present there is almost an acceptance of petty corruption on the grounds of the current pay scales. Such a situation cannot be allowed to continue, but such demands on integrity cannot be made without assurances that officers will have sufficient income for them and their family through their normal work. In this regard there should be an immediate review of police pay scales and conditions. In tandem with this the on-the-spot fine system should be terminated, as this provides an opportunity and temptation for corruption within the service.

The audit of Ministry resources and administration should highlight areas in which the police service can streamline its activities. Cost savings in this area should be re-invested in enhancing pay, conditions and the equipment of the police service.

Recruitment

As stated above the Ministry is finding it difficult to fill the positions that are currently available. In particular there is a marked reluctance among men and women from Belgrade to join the police. At present the Ministry has periodic recruitment processes that invite applications for uniform and generic posts. With the proposed winding down of the Police High School and the opening of one or more training centres, it will be imperative that the police service improves its ability to recruit high quality applicants. There is also a need to be more innovative in the promotion of the police service as a career by targeting specific groups in their advertising campaigns. This could entail recruitment campaigns that will utilise language/issues that will attract specific target groups. Such a policy should also be aimed at making the service more representative, as well as enhancing the intellectual capacity of the service. For these reasons, national minorities, socially marginalised groups, females and university graduates should be targeted in a campaign that aims to show that the police service is an honourable profession, that its members play a fundamental role in society and that opportunities are available for those with ambition and ability. Many police services have found that more effort than normal is required to target minorities, but that this effort produced a more representative service. Targeted recruitment campaigns do not mean instituting positive discrimination but merely institutionalises the police service as an equal opportunities employer.

⁴⁶ See Annex IV.

Modern crime fighting methods require a variety of skills, therefore room has to be made for the introduction of personnel from other scientific areas, not only from the traditional policing institutes. For example financial crime and money laundering requires expert officers with finance, banking and accountancy backgrounds. This growing area of crime cannot be fought with traditional methods and traditional skills. Similarly, to successfully utilise forensics the service will have to attract chemists. There is also a point to be made here about pay: if the service is to maintain its qualified and professional staff and to attract personnel with new skills, pay levels competitive with civil society will be a minimum requirement.

Two proposals for attracting high quality recruits and assisting with enhancing the intellectual capital of the service are:

- Providing scholarships for high school graduates and undergraduate students to attend the Police Faculty or a related faculty connected to the work of the police service. Upon receipt of the scholarship the bearer agrees to work within the Ministry for a specified number of years.
- A 'fast track' system could be established for recruits who show exceptional potential. This however should be combined with a broad understanding of operational concepts of the police service.
- The Ministry appears to be in need of a number of specialist areas including IT personnel. It is often difficult to attract such personnel due to their potential earnings in the private sector. It would still be useful however to utilise their expertise even if for a short period and to increase their potential interest in the area of policing. Therefore, it is suggested that the government could utilise a scheme that provides an alternative to national army service. In lieu of army service, specialists would have to work within the police service for a specified time, with their tasks not requiring basic training. Such a scheme would be ideal for areas such as IT or other specialist skills required by the police service. It would be beneficial to the students, as it would provide them with an alternative method of carrying out their national service and would provide them with practical and useful experience.

Promotion and Evaluation

There is an immediate need to review the human resources procedures within the Ministry. As part of the restructuring of the Ministry and the police service, a human resources department should be established (outlined in the section on organisation structure). This section should be responsible for the recruitment process, should co-ordinate the evaluation process and be the impartial verifier that promotion processes are fair and accountable. If there is a disagreement between the supervisor and the police officer, the human resources department could act as the independent arbiter prior to it being discussed on a high command level.

At present uniform officers have an annual examination as part of their evaluation process. This is added to their supervisors' evaluation when considering their promotion. For officers


in other directorates, promotion is based on appointment rather than open competition and is based largely on the opinion held by their direct superior. There is a need therefore, for a new promotion policy to be developed, as the current system does not necessarily mean the 'right person' gets the post and is demoralising for young and middle ranking officers. Promotion under the current system is based upon whom you know rather than what you know, with officers not assured of career development based solely on merit. In most situations officers can advance in rank automatically due solely to seniority. Under the new ranking system proposed in this document, this would not occur as development in rank would require passing an interview, having an outstanding service record and/or passing an examination. However this would not impede officers advancing in pay scales within their rank due to years of service and in this manner experience would be rewarded.

It is advised that all middle and senior ranking officer positions that become available be advertised internally throughout all of the Ministry. Following the receipt of application forms that assess the skill, ability, vision and command qualities of the candidates, an interview panel should be established. This panel should comprise a number of officers from the rank immediately above the position being advertised (these officers should not be from the same line of command), together with the presence of a senior member of the Human Resources Department, who is there to ensure a fair process. Following the short-listing of candidates by the Human Resources Department, fair and impartial interviews should be held. It should become a regulation that all those who canvass for a position are automatically disqualified so as to ensure a fair process based solely upon merit. Such a procedure would enhance the possibility of getting the right officer for the job and would encourage and motivate personnel, as promotional opportunities would be based upon merit.

It is also of concern that in some instances appointments are made on the basis of political considerations, from inside the Ministry or from pressure from local political groups. There is a serious need in this regard for political parties to openly acknowledge that the police service is not an institution to control. Political parties both nationally and locally must understand that the police service is an independent and objective service to implement the law impartially. It is important that elected representatives are given a say in confirming/questioning an appointment of a senior commanding officer but this does not mean that they have a right to propose candidates. Political control or influence from 'interested' institutions outside of the police service should be openly discouraged.

Recommendations

37) An independent audit of Ministry resources (both financial and human resources) and administrative procedures must occur as a matter of priority. This should take place before the systematisation of posts is completed. The audit should also assess the efficiency and effectiveness of operational and administrative duties carried out by the police. This review should include staffing levels, budget procedures and means of utilising human resources more effectively within the Ministry and police service. Special attention in this review should be paid to developing transparent procedures in relation to budget formulation and spending, making the process more transparent and accountable.

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- 38) Once the review of administration structures and procedures is completed, a proper process of change management will be required to ensure the successful implementation of the new administrative procedures.
 - 39) A separate Human Resources Department as outlined in the proposed organisational structure should be developed and human resource officers placed within each Secretariat.
 - 40) An independent audit of the pay and conditions of police officers should be conducted to assess the feasibility of increased pay and benefits; at least for officers involved in anti-corruption issues.
 - 41) The Ministry must develop innovative methods to attract new recruits. This should involve targeting of specific groups including minorities and university graduates. The service aspect of the role that police officers perform in society should be emphasised.
 - 42) Initiatives should be put forward for attracting high quality recruits and professional staff (i.e. non-operational staff) into the police service. Proposals from this report include the provision of undergraduate and post-graduate scholarships to study at the new Police Faculty, the development of a fast-track promotion system for talented officers and the waiver of military service in lieu of work within the police service.
 - 43) All senior and command positions that become available should be filled through an open application process rather than by appointment and lobbying.
 - 44) All such positions should be advertised within the service and an interview panel comprised of senior officers and a human resources representative who will impartially assess the fairness of the process.
 - 45) Political appointments of operational positions within the service should cease. All appointments should be based upon merit and experience.
 - 46) The vetting role that the BIA plays in the recruitment and promotion procedures of the Ministry should be assessed. It should be clarified whether its role is appropriate or necessary.

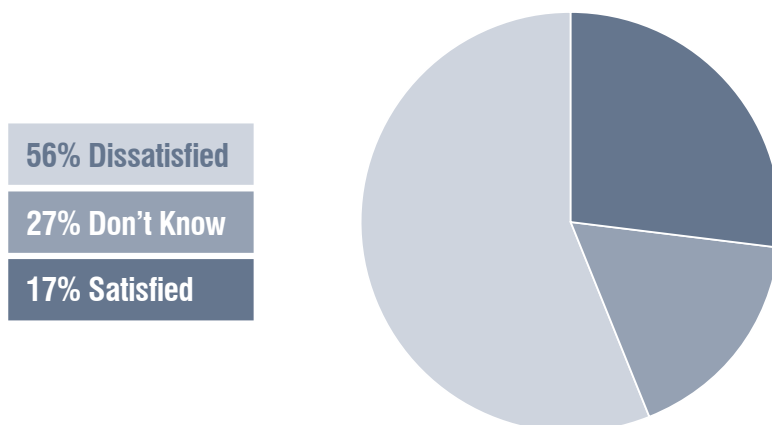
7. Enhancing Police Accountability

There are few areas that could have a more significant impact on the reform process in Serbia than police accountability. Police accountability ensures that the police service is ideologically prepared to combat organised crime by tackling the issue of officers' susceptibility to corruption or association with criminal elements. In addition, through ensuring an open, transparent and impartial approach to public complaints of mistreatment, the police service can persuade the public of its intention to work in the service of the citizens, thereby enhancing the public's trust in and co-operation with the police service. For that reason, accountability and the development of an internal affairs capacity of the service must be the priority of the Ministry over the next year. The events of 12 March should have highlighted the immediate need to initiate such procedures as a matter of priority.

Police accountability has not been a Ministry priority, although in recent months significant steps have been made in this direction with the appointment of the Inspector General. It should also be noted that the Ministry has in the last two years been co-operative with the Security and Defence Committee in the National Assembly. That said, greater access and scrutiny by the committee of regulations, policies and police practices must occur.

Satisfaction Levels with Police Response to Citizen Complaints

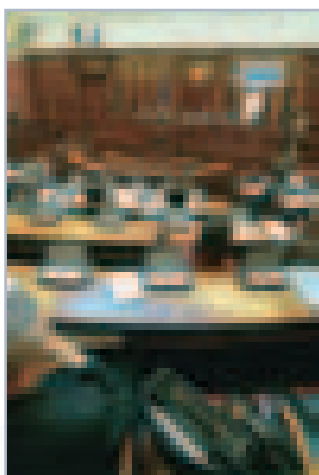
Source: Partner Research Survey December 2002



The Office of the Inspector General

The recently established Office of the Inspector General requires greater assistance and support. Officers assigned to this unit must be taken out of the command structure of the police service. There were some suggestions that internal affairs officers would continue to work in the units/positions they currently hold but would also be answerable to the Office of the Inspector General on internal affairs matters. This situation cannot occur, as internal affairs is a full-time investigative post and because it is also imperative that officers are protected from possible pressure by taking them out of the normal chain of command⁴⁷.

⁴⁷ In other police services it is not necessarily the case that internal affairs officers work full-time in the equivalent Office of the Inspector General. That said, there is usually a mix and balance between full-time internal affairs officers and those brought in from other units for specific purposes. Taking into account however the situation in Serbia, it is advised that all officers within this unit be seconded full-time.



They can work in sub-offices of the Inspector General within the secretariats but must be answerable only to the Inspector General and not an active member of another unit within the police service. The Office of the Inspector General must be independent and answerable to the Minister of Interior. In time, the Office of the Inspector General should develop proactive methods of integrity testing and analysis of corruption trends within the service. The investigation of the Inspector General must be open for scrutiny by the Security and Defence Committee in the National Assembly and the Ombudsman, when it is operational.

The development of the Office of the Inspector General is a new endeavour for the Serbian police service and support is required with regard to equipment and training of officers that will work within this new unit. Furthermore, the development of internal affairs will also require a review of internal regulations and an audit of disciplinary procedures⁴⁸. Such a review should include the other sectors of the Ministry, including the Fire Service and the Gendarmerie. Even though the Gendarmerie has its own counterintelligence unit, it is crucial that all matters in the area of public security are seen to be conducted in a transparent manner and in accordance with the law and human rights standards.

The need for accountability with regard to the BIA is possibly even more profound. While some may argue that the BIA is not now a part of the Ministry of Interior and therefore should not be part of this study, the fact remains that the BIA remains the source of much of the intelligence that the police service utilises in their investigations. For this purpose, oversight of the BIA is a central part of the reform process; making sure that their procedures and actions conform to normal legal regulations is imperative.

Transparency of Disciplinary Procedures

Accountability not only relates to internal disciplinary hearings or a thorough holding to account of those in breach of human rights standards, it also relates to how the police service conducts its business and how informed the public is about its activities. This to a large extent relates to how the police service works with the media in keeping the public informed and providing citizens with the necessary advice to enhance their personal security. This can be developed through local accountability initiatives. During the course of this work, a visit took place to the Security and Defence Committee in the Vojvodina Assembly. The presence of senior officers at such meetings is a proactive and positive step that should be developed in other regional and municipal assemblies. The division proposed in the section of this report that deals with organisational re-structuring of the Ministry into five sectors would facilitate and assist local accountability initiatives by decentralising decision making within the police service. Accountability can also be assisted through the Ministry's interaction with the media.

⁴⁸ From discussions with civil society, it was highlighted that the vast majority of disciplinary cases result only in a financial fine or a transfer from where the infraction occurs. Neither of these measures are sufficient for serious infractions of discipline. In addition there were cases where charges were filed against those who made complaints and court proceedings were too lengthy. Most agreed that the public were unwilling to make complaints and the only way of doing so was through police structures (see further article in *Vreme* No. 655 page 26-27). The development of the ombudsman institution should alleviate these fears.

While this will be dealt with in more detail in a later section, it is apparent that there is a need to decentralise and train the heads of OUPs to deal with the media on local security issues.

While there is a need to focus accountability on the present and future, concerns were raised during this study that not enough was being done to call those to account who brought the service into disrepute during the Milošević period. There is also the documented case of a number of former police officers dismissed between 1998 and 1999 after having refused assignment to special units in Kosovo⁴⁹, seeking to have this decision overturned and rejoining the police service. A review panel should be established with the assistance of the Office of the Inspector General and could hear evidence to give these cases a fair hearing.

There were cases of abuse of power and physical violence presented by civil society and international organisations during the course of this research. It is our understanding that a number of reports are emerging that depict a situation where the use of physical violence against detainees still occurs. Situations as occurred during the state of emergency, where suspects could be held for lengthy periods without access to a lawyer, cannot be permitted in normal circumstances. Even during periods such as occurred in the post March 12th period, great lengths should be taken to ensure that individual rights are adhered to. The message should be clear and unambiguous to police personnel that instances of abuse of power and torture will not be tolerated in Serbia's new police service. The best way for this to occur is for the Serbian government to implement the recommendations of the UN Committee against Torture as a matter of priority, through providing an adequate definition of torture in domestic legislation⁵⁰. Although there are many legal instruments in Serbia that relate to torture, there is still a distinct lack of a precise definition of torture. In this regard it is proposed to introduce the offence of torture into the Criminal Legislation of Serbia by incorporating verbatim the definition of 'torture' from the Convention against Torture in the relevant legislative acts as well as prescribing appropriate legal sanction and punishment for perpetrators. In addition, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) should be ratified as a matter of priority.

Ensuring Police Welfare

Internal affairs procedures are in place to ensure victims of police abuse receive a fair and impartial hearing of their grievances and obtain some redress. It is equally imperative however to note that police officers should be protected from false allegations, as officers also have an equal right to a fair hearing, representation and due process. Procedures and safeguards must be built into any system of internal affairs that ensure the protection of honest officers

⁴⁹ The list of all 35 officers is on the web page of the Humanitarian Law Centre (HLC). The HLC addressed Serbian Minister of Interior Dušan Mihajlović with a request to reinstate the 35 ex-policemen who were dismissed in 1998 and 1999 for refusing transfer to Kosovo. Most were fired in the period from March to October 1998. It was noted, however, that the Ministry has on several separate occasions re-employed a number of officers who were fired for refusing to go to Kosovo, and considers that the same decision should apply to all.

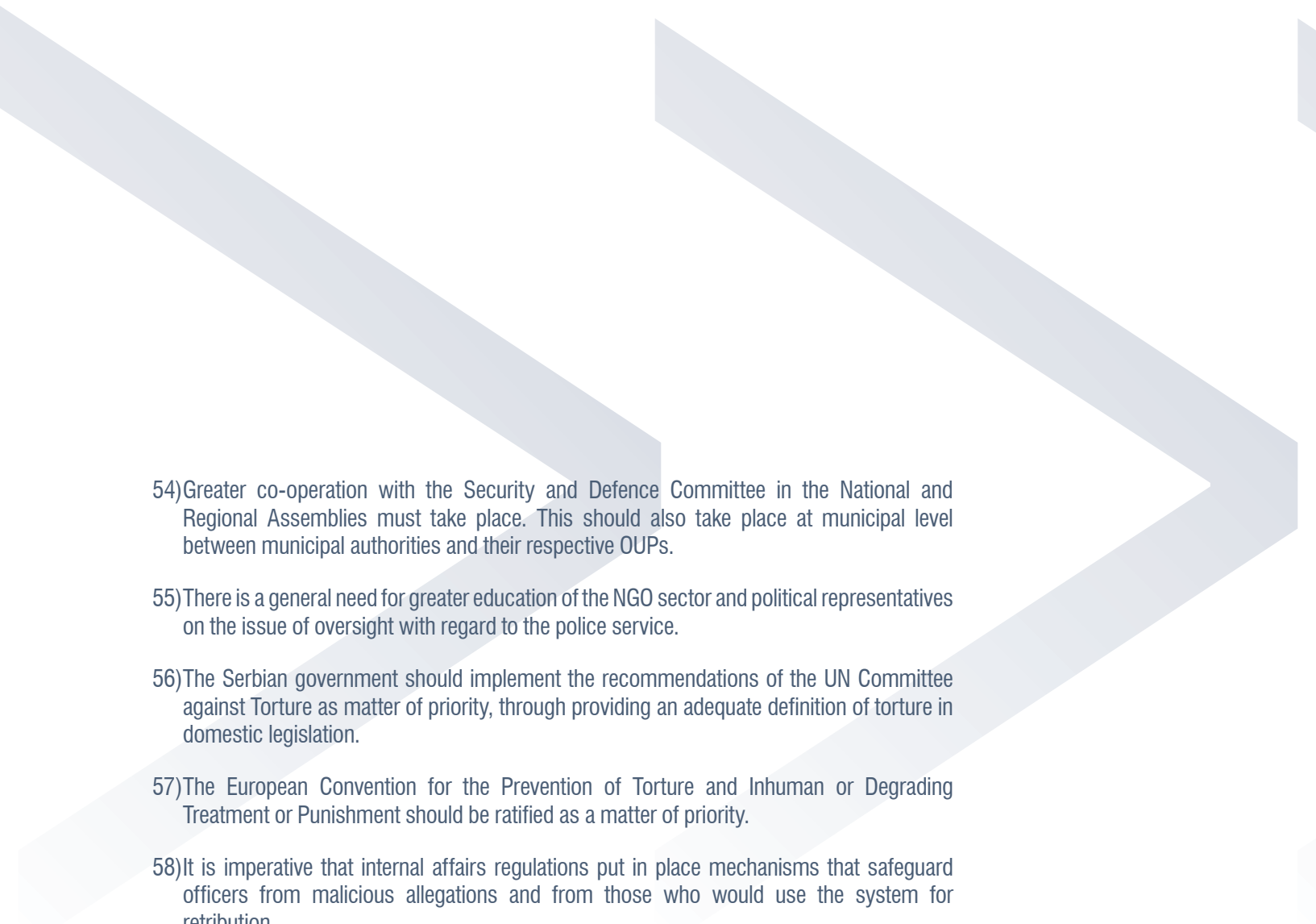
⁵⁰ Furthermore, the government should ratify the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, following the signing of the said Protocol on 25 September 2003.

from retribution of the criminal community. Internal affairs procedures must balance the rights of the individual and the rights of the officer.

In many countries a Police Association is established for line officers, to look after their interests, as regards pay, conditions and representation during disciplinary procedures. The establishment of such an organisation should be seriously considered for the officers of the Serbian Police Service. Such an organisation must of course be non-political and work purely as a lobbying organisation working for interests of officer welfare. In some countries, the remit of such an organisation is extended to assist officers with personal difficulties that might affect their professional work.

Recommendations

- 47) The Office of the Inspector General, with responsibility for internal affairs nationally, must be adequately staffed and equipped. Strict vetting procedures of staff should be developed and maintained. Consideration should be given to developing the regional capacity of this office.
- 48) As part of the development of the Office of the Inspector General, a full review of regulations with regard to internal affairs should take place. This includes the procedures for making complaints, penalties, the investigative powers of the Inspector General and an obligation to inform the person who originally made the complaint.
- 49) The powers of the Office of the Inspector General should include the other services within the Ministry including the Fire Fighting and Rescue Directorate and the Gendarmerie. There should be free and unequivocal access to all personnel and files. In this regard obstruction of an internal affairs investigation should be a disciplinary offence, if not a criminal matter.
- 50) The Office of the Inspector General and its staff must remain outside the normal chain of command. The staff must be permanently assigned to the Office and not answerable to unit commanders.
- 51) The Inspector General is answerable to the Minister and through him to the Security and Defence Committee in the National Assembly.
- 52) There is a need for greater accountability within the BIA, with the establishment of a similar office as the Inspector General within that institution. There should also be a greater effort made to make the BIA accountable to parliament.
- 53) The proposed Law on the Ombudsman (currently before the government) should ensure that the institution of the Ombudsman has the right to investigate issues relating to the police service and the Ministry of Interior. In this regard the allocation of an assistant Ombudsman with such authority is recommended.

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- 54) Greater co-operation with the Security and Defence Committee in the National and Regional Assemblies must take place. This should also take place at municipal level between municipal authorities and their respective OUPs.
- 55) There is a general need for greater education of the NGO sector and political representatives on the issue of oversight with regard to the police service.
- 56) The Serbian government should implement the recommendations of the UN Committee against Torture as matter of priority, through providing an adequate definition of torture in domestic legislation.
- 57) The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment should be ratified as a matter of priority.
- 58) It is imperative that internal affairs regulations put in place mechanisms that safeguard officers from malicious allegations and from those who would use the system for retribution.
- 59) Consideration should be given for the establishment of a Police Association that would act as a lobbying mechanism for police officers as regards pay, conditions and welfare issues.

8. Technical Equipment and Infrastructure



The infrastructure of the Serbian state and industry were targeted to weaken the hold on power of Slobodan Milošević and his administration. It is also safe to assume that there was an expectation that when the opposition gained control those who destroyed the infrastructure would assist in its reconstruction. Otherwise, the only achievement of the bombing was to weaken the ability of the new democratic institutions to bring about stability and significant change.

Infrastructure

Before any recommendations on the development of police infrastructure take place, an independent audit of needs and current usage of office space should occur. The audit should take into account the re-organisation of the police service and the fact that the Federal Ministry of Interior has been discontinued and its infrastructure mostly inherited by its republican counterparts. Currently operating with depleted infrastructure—with only about 60% of their headquarters intact and with a number of makeshift operations centres—creates a difficult situation in which the Ministry must function.

The need for infrastructure development within the headquarters and within the Secretariats is evident. Much of it is to replace the damage done during the NATO campaign but there is also a need to upgrade facilities to bring them in line with expected standards. The international community is always quick to offer assistance in training and assessments. This brand of aid comes with strings attached (meaning that the funds are largely used to pay for services from the country of the donor). That is not to say that assistance in training is not required but that training represents only one segment of the assistance that is required.

At present co-ordination of activities is difficult with headquarters, OCD and CID are spread out across Belgrade. There is an immediate need to rebuild the building attached to 101 Kneza Miloša Street, which would double the space for headquarters and enable some of the dispersed units to be centralised. The above building used also to accommodate the Operational Centre, which is now also dispersed around the city with only a section remaining in cramped conditions in headquarters. In short, significant assistance is required to rebuild previously damaged infrastructure.

Technical Equipment



The police service is in an unenviable position. Following October 5th, it was left with an administration and an economy infiltrated by organised crime. Its infrastructure was damaged, its technical equipment was obsolete and its policing methodology was outdated.

The public has gradually grown more demanding in its expectations of policing while the media has gained the right to scrutinise aspects of police work more closely, including criminal investigations.

The use of technical equipment is central to crime investigation in most countries, with the emphasis on interviews of suspects declining. This reduces the opportunities for police

officers, frustrated with the course of investigations, to abuse detainee rights. A direct correlation can and should be made between instances of police abuse of powers and the lack of technical equipment and investigative methodologies that do not rely solely upon interview. This is an issue not discussed amongst police experts but is extremely pertinent to the situation in Serbia. With the widespread lack of technical equipment, the police service is left with little alternative but to use the only investigative methodology open to them, that being police interview⁵¹. At present the police service can hold a suspect for a maximum of 48 hours. Difficulties with detention cells and interview rooms in municipal police stations makes it difficult to carry out effective interviews. While this does not condone the neglect of legal rights, it suggests that technical equipment and the development of alternative investigative techniques are necessary aids for evidence gathering in an environment that does not place undue pressure on police to extract information from detainees.

Technical equipment such as crime scene management kits, IT equipment and forensics are not luxuries in the police business, but an essential part of the policing methodology used to fight crimes which are becoming more sophisticated and to counter criminals who can easily purchase such skills and technology. There is a general trend internationally to reduce dependence on the use of interviews for criminal investigations. This underlines a greater need of transparency when dealing with suspects. Such developments in techniques are required within the Serbian police service.

The Serbian police service lacks all manner of technical equipment. The inventory of required items ranges from surveillance equipment, crime scene management kits and forensics to a viable witness protection programme. There is also a need to equip and network all border crossings, police stations, secretariats and police directorates with the most basic IT equipment. This in turn should facilitate and lead to the development of an effective national operations centre (comprising of representatives from the police service, fire service and Gendarmerie) and form the basis of a criminal intelligence network.

National Operations Centre

There is a plan within the Ministry to implement a Geographic Information System (GIS) that would provide an integrated collection, updating, processing and storage of events in real time. It would also enable the co-ordination of responses to criminal events and could, if developed, be used as a basis for providing information to a criminal intelligence unit. The GIS system would form the core component of an emergency response operational centre. Such a centre should be manned 24 hours a day by members of all necessary services (Fire and Rescue, Police and Border Police) and would be used to field calls from the public and to provide for a rapid response to all Ministry services. The development of a national operations centre is seen as important to enhancing co-ordination and ensuring an effective response to criminal and emergency situations.

⁵¹ This is not to discount the evidentiary and investigative value of professional interview skills.

Detention Units / Interview Rooms

During the course of this research a number of detention units both in Belgrade and within other Secretariats were visited. In all instances the holding cells were unsafe for officers and detainees⁵². While there is a general acceptance of this, there is a lack of resources to have holding cells upgraded. As a result the general system, especially outside Belgrade, is to use holding cells for those found in breach of public order (i.e. drunkenness) while all other criminal suspects are transferred immediately to the local prison. This situation is unacceptable, as it takes suspects outside of police authority and responsibility. Furthermore it makes interviewing the suspect within the 24/48-hour period difficult. There is an immediate need to upgrade holding facilities and procedures⁵³.

Members of the international community or human rights organisations are seldom interested in funding the upgrading of detention units or holding cells. While this is unfortunate, it should be noted however that funds are currently not available from the Ministry budget to upgrade police stations or holding cells. Furthermore, it is in the interest of detainees that they remain within the police station for the 24/48 hours of detention and they are not brought directly to prison detention outside the jurisdiction of the police service. Assistance with infrastructure development would help to ensure that the rights of suspects are upheld.

Crime Scene Management / Forensic Capacity

Crime scene management is an increasingly essential component in pre-trial investigation of both regular crime and serious crime. This fact has become more accepted over time due to two reasons. One is the recognition that good quality evidence is increasingly important in the criminal justice procedure to support fair legal proceedings and rule of law. The other is that scientific methods in gathering and analysing evidence are constantly developing and producing results that are becoming more useful in trials.

There is a need for the development of a modern forensic capability for the police service⁵⁴. The sophistication of organised crime underlines the importance of having modern forensic and crime scene investigation techniques to ensure the quality of investigations and secure fair legal proceedings. With the increased sophistication in organised crime activities, the methods used to combat such activity also need to be enhanced. Forensic science plays a crucial role in the prosecution process of major crime activity. The need to quality-assure the use of forensic science is crucial in ensuring that evidence produced is of the quality required to ensure fair hearings in a court of law.

⁵² There was a particular fear that detainees may injure themselves or others.

⁵³ In fact, one such room visited in the Belgrade Secretariat was used as an interview room, an office and as a room for line-ups. The room was not secure for the detainee or the police staff.

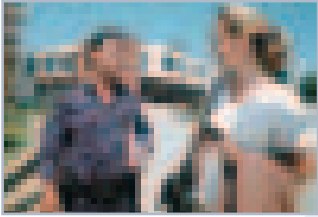
⁵⁴ The European Agency for Reconstruction (EAR) is currently in the process of providing the Ministry with substantial forensic equipment. It is important to ensure, however, that there is a quality management system established and that the legal basis of the use of such evidence is assured.

The majority of the equipment in the Ministry is old and outdated. There is also no discernible quality management system, which is fundamental to the sustainability and reliability of the forensic process.

Recommendations

- 60) An independent audit of infrastructure needs and current usage should take place, taking into account proposed organisational changes and the new systematisation.
- 61) A meeting between representatives of the international community, the Ministry of Interior and the Finance Ministry should take place with the purpose of developing a plan for reconstruction of the Ministry of Interior's infrastructure that was previously destroyed. The international community should seriously consider developing an aid package specifically to deal with such infrastructure needs.
- 62) As part of the strategic development within the Ministry, plans should be developed for the purchase of necessary technical equipment. The priorities for assistance from the international community should include IT networking database development and criminal intelligence infrastructure.
- 63) Resources will be needed for forensic equipment and advanced training (some of which is currently being funded by European Agency for Reconstruction – EAR) and crime scene management kits. The OSCE and the EU have already carried out a number of assessments, however the required funding has not yet been made available. The plan by the Ministry needs to be comprehensive enough to assure the international community of the sustainability and use of such equipment. Due to the size of equipment needs, it is apparent that a multilateral donor or a number of countries joining together would be the best approach to funding. A further option would be a joint funding project between the government of Serbia and a number of international donors, in association with EAR or the World Bank.
- 64) The implementation of the Geographic Information System and the development of a national operations centre should be supported by the international community and accepted as a priority by the Ministry.
- 65) The national operations centre should contain senior members of all sections within the fire service, the police service and the Gendarmerie. These members co-ordinate activities and responses and should have decision-making authority.
- 66) The upgrading of detention cells and interview rooms should be viewed as a matter of priority.
- 67) The development of the legal mechanism and a quality-assurance system for the use of forensic evidence should be undertaken.

9. Re-defining Interaction with the Media



The function of the office of the Spokesperson of the Ministry has to be seriously reconsidered. At present there are no media policies for the Ministry in general, nor details of who is responsible for briefing the media on events at a local, secretariat or ministry level. The lack of such policies leads to confusion and in some case contradictory or incorrect information being given to the media. The potential use of the media in crime prevention and crime investigation is largely misunderstood by the office of the Spokesperson, whose interpretation of the role is more along the lines of a public relations role than a public information task.

With 530 radio stations, 216 television channels and 656 daily news magazines, the media environment in which the police spokesperson must operate is, according to him, 'a real media jungle'. This necessitates that the spokesperson's office co-ordinate all police statements made to the media. This should be done through a clear and well-disseminated set of guidelines and through the provision of media training for officers and investigative judges who regularly must deal with journalists. Additionally, the function of the spokesperson's office should be clearly defined, and its central and co-ordinating role for police when dealing with the media stressed.

The role that the media plays in policing is underestimated and under-utilised. The media can be used in crime prevention schemes, in tracking down suspects and informing the public of serious incidents. But for this to be so, extensive policies need to be established and at least one officer per secretariat trained in media relations. This will have an impact on relations with the media, the public and on police effectiveness.



At present there are no guidelines governing police interaction with the media, and while a number of such documents are available it is important that guidelines specific to the Serbian police service be developed and adopted as a matter of urgency. A number of incidents illustrating an unco-ordinated, inconsistent and legally dubious approach to media relations were exhibited during the state of emergency. The RTS-aired programme *Rikošet* has on several occasions broadcasted law enforcement officials whose comments have effectively undermined an individual's right to a fair hearing⁵⁵. While police co-operation with such programmes in other countries is common, great lengths are taken to ensure that the rights of those presented in the programme are not impinged or undermined. Furthermore, the language used should preserve the presumption of innocence. This is not the case

⁵⁵ In an episode of the programme dealing with the case of burglary, rape and murder of two elderly women in the village Tovariševo, near Bačka Palanka, the suspect (of Roma ethnicity), Cveta Nikolić, was taken to the crime scene to be interviewed in front of cameras, where he confessed to the crime. He was questioned as to whether he had raped one of the victims to which Nikolić responded that he could not remember, because he was drunk, but that most probably he had not. This statement was followed by the *Rikošet* journalist's comment: 'The autopsy has shown that Nada Mihajlov was raped. After the rape Nikolić took the money and some jewelry from the old lady...' The presumption of innocence was clearly violated in this case, since at no time was Nikolić presumed innocent until proven guilty.

In another episode, while presenting the operation that led to the arrest of Zarubica, the main suspect for trafficking in human beings in Belgrade, the journalists presented to the camera the passports of Moldavian and Ukrainian women, victims of trafficking, showing their pictures and their personal details. In this manner the privacy of victims was endangered.

with the Ministry's co-operation with the *Rikošet* programme and as a result the guidelines under which this co-operation continues should be reviewed immediately. During a number of transmissions information was made public that in many countries would invalidate legal proceedings against the suspects. Misinformation was also offered and in one case subjective and inaccurate statements were given to the press⁵⁶.

Therefore it is proposed that a Media Relations Policy be adopted in accordance with Article 36 of the Code of Conduct of Ministry of Interior employees, which states:

'Regarding the mentioned co-operation, the police service is organised in such a manner that the public is given impartial information on its activities without divulging confidential information.

'With respect to media co-operation, the police follows a set of professional guidelines for contacts with the media'.

At present the spokesperson views his role as marketing positive aspects of the Serbian police. This is doubtless an important function but one which should become neither partisan in nature nor take precedence over the need to develop clear and transparent communication with the media. Senior officers must be reminded that they have two duties to balance – to be open with the public and media as part of their responsibilities of transparency and accountability, and to protect confidential information relating to individuals or information about police operations.

A media relations policy should be drafted which outlines the approach for dealing with the media. The media should be informed about things which:

- Are in the public interest;
- Help to illustrate the way in which the police go about their work;
- Help to build public confidence in the police service.

Additionally, the spokesperson's office has a duty to inform the media about events in the public domain. This relates to crime appeals and road traffic accident prevention. In doing so, the balance needs to be maintained between the need to protect the rights of any individual or group or victim and the need to ensure the successful conclusion of any investigation. The media policy must be formulated so that it will not compromise or prejudice an investigation, or act contrary to the provisions of the European Convention for Human Rights.

Moreover, guidelines must state who is permitted to speak to the media and what information is appropriate to release about any given situation. This might cover:

⁵⁶ Civil society highlighted one case (involving the death of the Belgrade University Professor Predrag Polić) where the investigative judge stated that he would produce his findings within 15 days as to the cause of death. The Ministry however issued a statement that the cause was suicide even before the body was found and without waiting for the official findings of the investigative judge's report.

1. Operational Information – where officers above a certain rank may be authorised to speak to the media about their own areas of responsibility and where officers below this rank may seek approval.
2. Support staff and general matters – what support staff should be allowed to discuss. For instance this usually confines support staff to talk only about their role in a specific investigation with the prior approval of a senior officer.
3. Policy matters – which should only be handled by the Spokesperson's Office.
4. The guidelines should also discuss:
 - Disclosure of information to journalists
 - Off-the-record remarks (i.e. that they should ever occur)
 - Supply of information to the Spokesperson's Office
 - Liaison with local press

Furthermore, it is recommended that a media spokesperson be appointed at each SUP and that appropriate training be given. Ideally, all officers from the rank of sergeant upward would receive this training. This would enable each OUP to have its own Media Liaison Officer who would be able to liaise and facilitate with the media during a crisis situation⁵⁷. He or she would act as an intermediary between the spokesperson, the media and senior police commanders. The role would require the media liaison officer to:

- be the contact person for the media during the course of the incident
- set up facilities for the media at the scene (i.e. decide where they can set up)
- organise media interviews with senior officers and investigative judges at the scene or in a suitable location
- update senior investigating personnel in relation to media requirements, interview times, locations, etc.
- contact and fully brief the Spokesperson's Office at all times during the course of the incident and take directions in accordance with the spokesperson's wishes
- log all contacts from media personnel, to include name, station from (i.e. radio/TV or newspaper), details of query, time/date of query and action taken. This is vital to ensure that facts given are not misrepresented in media reports.
- remain as Media Liaison Officer throughout the whole incident – with no diversion to other duties, if practical.

⁵⁷ The SUP spokesperson would be responsible for providing information on policing policy, while the OUP liaison officer would provide information on investigations and crisis situations.

- The appointment of a Media Liaison Officer should be done to ensure that the individual selected is:
 - A good communicator;
 - Of even temperament ;
 - Works well under extreme pressure;
 - A good organiser;
 - Have complete access to senior police officers in charge of the investigation/incident;
 - To have his/her name be made available to all police in the investigation so that media has a named media contact.
- When a major incident occurs the Media Liaison Officer will be called out for duty as part of an overall investigation immediately.

All Media Liaison Officers should receive training, which that could be organised with OSCE co-operation.

Recommendations

68) A review of the function of the Office of the Spokesperson within the Ministry should take place. At present its function is largely that of a public relations function rather than a source of public information. This should lead to the development of a media policy and media guidelines that would be familiar to all personnel within the Ministry.

69) The Ministry should review its support to television police reality programmes and put in place processes to ensure that such programmes do not undermine due judicial process or hamper an individual's right to a fair trial.

70) At the level of Secretariats, spokespersons should be appointed, while at OUP level appropriate media liaison officers should be designated. These should be police officers that are media aware and have received media training. Their work should be defined by media guidelines. Examples of issues that should be covered in such guidelines have been outlined in detail in this document.

10. The Fight Against Organised Crime

Developing a National Strategy

While this report aims to make recommendations that are applicable to all sectors of the police service, no report on the police service would be complete without making specific reference to organised crime and the needs of the directorate established to combat it.

Organised crime is a destabilising factor in both the economic and political development of Serbia and Montenegro. It undermines its transition to an open market economy, as well as its democratic institutions. Organised crime flourishes in an environment where the 'grey market economy' and lack of a rule of law prevail. Organised crime and the syndicates that run it are highly sophisticated, they are better equipped in many ways than the State and they are disciplined and motivated by the opportunity to make substantial profits.

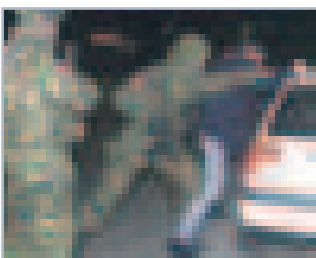
A three-phase approach to fighting organised crime needs to be established. The first is to ensure that the police service is free from corruption and therefore in a position to objectively tackle this problem. The second is to enhance the capacity of those agencies, national and regional, that are directly involved in the fight against organised crime. In this regard the Organised Crime Directorate (OCD) and Belgrade CID should be seen as priorities. The final area relates to the provision of assistance in the area of judicial reform, its procedures and practices.

Reform of the police service incorporates the obligations of the first two phases of the above approach. The needs of these phases can be explained in terms of enhancing the capacity of the agencies fighting organised crime and ensuring that the Ministry has the mechanism in place so as to have the integrity to carry out the task at hand. Both of the above are structural issues with the latter related to developing the structural capacity of the Office of the Inspector General and ensuring that the proper legal mechanisms and regulations are in place to ensure the integrity of the service.

When it comes to enhancing the capacity of the Ministry in the fight against organised crime a number of factors come into play. The first step is to assist the Ministry in the development of a national strategy in the fight against organised crime. All too often agencies perceive organised crime as a merging of individual crime areas. This is a mistake; to combat organised crime effectively, we have to see organised crime as an inter-connected network of criminal activity. The development of a holistic strategy, that envisages a co-ordinated approach to the fight against organised crime, is required if it is to be effective. Related to this is the need for the police service to develop its capacity for criminal intelligence analysis. Criminal intelligence plays a central role in the fight against organised crime and should form the hub of all the police service's activities in this regard.

Furthermore, the police service requires specialist training in modern investigation techniques, together with the equipment required for the task. A witness protection programme should be developed and, as mentioned earlier, the criminal intelligence capacity of the service must be enhanced. This will mean the development of the Ministry's IT capacity to assist the collection, storage and analysis of crime data.

With the increased sophistication in organised crime activities, the methods used to combat such activity also need to be enhanced. The development of a modern forensic capability for the police service is important in this regard to secure fair legal proceedings. Forensic science



plays a crucial role in the prosecution process of major crime activity. The need to quality-assure the use of forensic science is central in ensuring that evidence produced is of the quality required to ensure fair hearings in a court of law. Surveillance capability and the state of interception equipment, essential for any major crime investigation, need to be assessed and enhanced. Following the assessment, appropriate training should be developed and initiated. Thereafter a national plan should be developed on the use of these techniques and their availability to other regional centres partaking in the fight against organised crime.

Modern investigation techniques require the support of adequate legislation, if the evidence gathered is to be admissible in court. There is scope and a need for the development of such legislation. Furthermore, with the transfer of authority from the Federal Ministry of Interior to its republican counterparts, there is a necessity for the development and harmonisation of the republican criminal codes, to ensure adequate coverage for the prosecution of criminal activities.

Development of Intelligence Analysis Capacity within the Police Service

At present there is a dependence on the BIA⁵⁸ in certain instances for intelligence when deciding the course, content and direction of investigations. There will always be a need for close co-operation with the BIA, however the removal of this agency from the Ministry of Interior also removed the capacity of the police service to gather and maintain adequate criminal intelligence records⁵⁹. There has been recent progress made in this area with the enhancement of the surveillance and communication interception capability of the OCD and Belgrade CID.

There would also appear to be an overlap of operational mandates between the BIA and the OCD with regard to the fight against organised crime. Ideally, there should be a clear division of responsibilities between the police service and BIA. On behalf of the police service, what is currently CID at ministerial level⁶⁰, should be responsible for the development of a co-ordinated national criminal intelligence capacity program⁶¹. Such a programme should enable officers from all areas of the service to input data on suspected criminals and their activities and allow them to gain access to the full scope of suspect's personal history⁶². The BIA should focus on the collection of information and analysis of terrorist groups that might have connections to organised crime operating within Serbia and those with contacts abroad. The BIA's foreign intelligence co-operation apparatus will assist this process as there is a serious

⁵⁸ BIA (*Bezbednosno-informativna agencija*) – Security Intelligence Agency is the state intelligence agency developed in 2002 when the former State Security Sector (*RDB – Resor državne bezbednosti*) was taken out of the jurisdiction of Ministry of Interior and transformed into this new, independent body under the direct control of government.

⁵⁹ Some assistance in this regard has been given as pilot projects to the OCD and Belgrade CID by the United Nations Drug Control Programme, however this relates solely to the area of narcotics and assistance is required to expand this project to include all criminal areas.

⁶⁰ This would mean that CID would largely come under the remit of the security sectors and the current national CID component being developed to handle the criminal intelligence function for the police service.

⁶¹ Such a system should be similar to the NCIC (National Crime Information Centre) in the United States or NCIS (National Criminal Intelligence Service) in the United Kingdom.

⁶² The type of information that should be contained in such a system includes: arrest records, convictions, personal history, aliases, drivers licence information, national identity information and it should have a cross-reference capability of known associates.

overlap in operational mandates. A permanent task force of BIA and OCD officers should be established to enable the swift flow of intelligence between both organisations. While the Office of the Inspector General will be responsible for investigating individual cases of police corruption, there may be a need for the development of a counterintelligence capacity to deal with the infiltration of organised crime into the state administration and police service.

The police service is in need of expertise on surveillance and intelligence gathering in order to develop a national intelligence capacity within the service. Such expertise should be provided from services with a similar function from abroad. What is then left is the development of the necessary IT networks, databases and analytical capability for the police service. At present there is a need to network all border crossings, police stations, secretariats and national directorates. The lack of such capacity clearly undermines the police role in national criminal investigation. The development of a national IT department as proposed in the new organisational structure should be responsible for the development and implementation of a national IT programme.

While some concerns remain about how to ensure the timely and complete transfer of necessary intelligence between the BIA and the police service, it should be remembered that this is an issue faced by police and intelligence services in all countries. At the heart of this is the issue of accountability with regard to BIA intelligence sources and the BIA's ability to influence the direction of an investigation through controlling the supply of intelligence. Some steps have been taken recently to alleviate some of these concerns. The BIA has supplied its first six-monthly report to the Security and Defence Committee in the Serbian National Assembly in July 2003. That said, at present the oversight capability of the Security and Defence Committee is not sufficiently developed to adequately hold the BIA accountable. There is a need therefore for the Committee to be an effective guarantor of the legality of all BIA actions. For this reason greater access to BIA personnel and information is required for the Committee⁶³. In short, it is a priority that the police service develops and utilises its own criminal intelligence capacity.

Recommendations

- 71) The development of a national strategy on the fight against organised crime should be seen as a priority. The strategy should cover investigative and disruption methodologies to be incorporated in the fight against organised crime.
- 72) There is a critical need for the development of a witness protection programme. Such a programme will be a vital tool in the fight against organised crime.
- 73) Development of legislation and regulations covering the use of modern investigative techniques is required to ensure evidence is admissible in court proceedings.
- 74) The development of the criminal intelligence capacity within the police service should be seen as a matter of urgent priority. Overdependence on BIA intelligence is not conducive to independent, accountable operations and needs to be decreased in order to effectively tackle organised criminal activity.

⁶³ As in other countries this may mean that a separate intelligence committee be established comprising vetted members with the appropriate security clearance to assess actions taken by BIA.

11. Development of a Border Police Service

One of the largest undertakings for the police service over the past number of years is the plan to take over the Green Border⁶⁴ from the military by creating a new Border Police Service (BPS). Recent statements by the Finance Minister have indicated that due to financial constraints, plans to take over the border have been postponed until mid-2004 at the earliest.

Simultaneously, the Ministry is implementing a new identity card system, which aims to make forgery harder and tracking of identity cards/passports easier. The Head of the Border Police and his team are well aware of the need for development in this area in order to meet the requirements of the Schengen Agreement criteria. They have developed a comprehensive strategy, which should result in a thoroughly trained border police service. The Border Police Directorate is to be commended for their strategic approach taken towards the development of this service and reform process. In many ways the service is fortunate as the BPS is being established from scratch and does not suffer from the legacy of the past. As such it is much easier to implement a personnel policy to ensure the 'right people in the right place'. Much could be learned from both the manner in which the BPS have implemented the identity card project and the planning process they underwent to take over the Green Border.

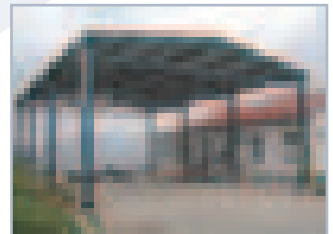
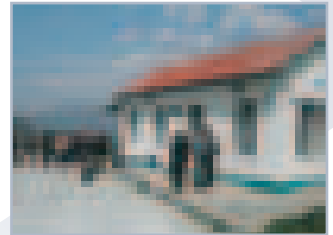
That said, as with many other units there is a need for critical investment. This is all the more necessary within the BPS due to the additional personnel, equipment and infrastructure needs required to take over control of the border area. There is an added impetus for the development of the BPS, as this service is vital for the provision of intelligence on trafficking activities and the curtailment of organised crime elements. The development of an effective BPS also represents a significant step in the process towards EU accession.

A detailed plan has been developed for the takeover of the border area, commencing with a pilot project along the Romanian border. Significant funds are required for this endeavour (the pilot project alone is estimated to cost 15 million euros in equipment). Therefore the engagement of the international community will be required, most notably the EU and the US. As Serbia could conceivably become part of the southern border of the EU and is strategically placed as a transport corridor to and from the EU, its engagement in this reform area is required as a matter of urgency. The development of an effective border police service is essential in the fight against organised crime and illegal migration.

Border Police – Basic Training Course

The recruitment application process for the first phase of the Border Police Service commenced in autumn 2003. Concerns remain about the lack of a serious advertisement campaign for the recruitment drive that would ensure high quality, representative candidates in an equal employment opportunity environment. Furthermore, the contents of the curricula for the border police training course have not been discussed or shared with the international community. The Border Police Directorate should utilise the international community to ensure their training is in line with European standards. This is especially important as it is the first such course and as the Border Police Directorate expects the international community to contribute to the development of the service.

⁶⁴ 'Green Border' refers to the land border between border checkpoints.



Recommendations

- 75) While the need to demilitarise the Green Border is evident, there is a need to ensure the creation of a professional Border Police Service. This will entail substantial infrastructure and training development, in which the international community should engage in as a matter of urgency.
- 76) The current recruitment campaign has been organised in a hasty manner. Future admissions to the Border Police Service should be advertised in a manner that ensures as broad a representation as possible.
- 77) The process that the Border Police Service has undertaken in developing the strategic plan to take over the Green Border is something that could be modelled in other areas of the Ministry. Basing the plan on an assessment of needs, consultations with interested partners, incorporating (and envisaging) EU standards and the development of a clear timeline with benchmarks, is a process that the Ministry as a whole could learn from.
- 78) The training curricula for the Border Police Service would benefit from international participation and recognition.

12. South Serbia

The creation of a fully representative police service should obviously remain at the forefront of any reform process. That said, the use of the term Multi-Ethnic Police Element (MEPE) can often be misleading, giving the perception of a division within the police services in Bujanovac, Preševo and Medveđa, when in fact there is none. The international community should speak less of integrating the MEPE into the police structure and talk more of integrating the police service into the MEPE. All police services should be multi-ethnic and while the name acts as a confidence-building measure it should not be perceived as a division within the service.



Community Inclusion as a Confidence-Building Measure

Recent attacks in south Serbia have highlighted the continued security difficulties that remain in the region. What is important is that the situation not be further exacerbated by the alienation of moderate elements within the political and social structures in south Serbia, through the actions of the police and the Gendarmerie.

Greater representation within the police service has had a positive effect on the security situation in south Serbia, however this development should be supplemented by other confidence-building measures that aim to prevent extremists from gaining a foothold of support within the community.

Community inclusion or community policing should form the cornerstone of policing philosophy in all societies, however it is all the more important in societies where the perception is that the police service represents only one segment of society. This is the situation in south Serbia, where the Albanian population largely perceives the police service negatively. Winning the hearts and minds of the people of south Serbia is a matter of priority for the police service. This is best done through the development of specific initiatives that aim to make the operation of the police service more open and transparent. Such initiatives should also aim to tackle the specific safety needs of communities within south Serbia. This can only be achieved through an open and honest dialogue between the police service and the community. Such a dialogue should begin in earnest through the development of Citizen Advisory Groups made up of elected representatives, civil society and community groups. Meetings of such groups should be open to the public and focus on understanding and dealing with the specific safety concerns of the community. They should include two-way dialogue, with the community expressing their concerns, while at the same time hearing the police activity in the area. A further development could be the creation of Municipal Assembly Security Committees, ensuring greater participation of elected representatives in the setting of policing objectives and evaluating policing activities. Greater communication by the police service with the public could also take place through the media. The media represents the best medium for the police to inform the public of development in the security situation, as well as justifying their response.

At present the Serbian Government's Co-ordination Body for Municipalities Bujanovac, Medveđa and Preševo and members of the security services meet regularly (weekly), however elected representatives are not invited to attend such meetings. As part of this process of building public confidence in the security services a greater exchange of information should

occur on a regular basis between elected representatives, the Co-ordination Body and members of the security services. The participation of elected representatives in the Co-ordination Body security meetings would be useful as their involvement will legitimise the decisions made to enhance the security situation and will make implementation of difficult decisions easier.

There was also an agreement as part of the Čović Plan to transfer officers who had served in Kosovo out of south Serbia. This obligation under the agreement has not yet been fulfilled and undermines confidence in the police service. This should occur as a matter of priority as it is seen as a stumbling block to building greater relations with the Albanian community.

Operational Consolidation of MEPE Units

As mentioned above, the police service in south Serbia is multi-ethnic and therefore the name of the MEPE holds no operational distinction. That said, rightly or wrongly, the MEPE units are still perceived as a successful product of the reforms within the police service in south Serbia and as such represent the best resource as regards a confidence-building mechanism within the community.

At present there are over 40 containers manned by MEPE personnel in south Serbia. Each unit has a strength of six to eight officers, two of which have to guard the container at all times, two are on foot patrol, one operates the radio and one rests. They are on 4-day 24-hour shifts (with a day and a half off after this shift)⁶⁵. The work these units carry out is similar to the function of officers stationed in the main police station but as it is carried out on a smaller scale the opportunity to develop their skills is drastically hampered. The work of these units is an inefficient use of resources and development in this regard is required as a matter of urgency. Remembering the reasoning behind the allocation of the MEPE and the locations of containers, some decision must be reached that meets the needs of the community while enhancing the operational effectiveness of the police service. Many of the current locations do not meet this objective and therefore a consolidation of containers should take place.

This concept emerged from discussions with local actors during the course of the study. It was suggested to reduce the number of container units (for example to 10 in Preševo and Bujanovac) in order to consolidate the number of officers currently engaged in this work. This proposal should be fully supported. The consolidation of units would facilitate the development of more permanent police stations and more normal working hours for the officers. This reduction in the number of temporary containers should occur in residential areas so that the containers that remain can become permanent sub-stations. Therefore permanent dwellings should be built and each sub-station should be provided with the necessary vehicles and equipment. These sub-stations should be equipped to carry out the same administrative functions as the main police station (such as the processing of ID card applications etc.) and have the capacity to develop local initiatives to prevent crime and undertake criminal investigations.

⁶⁵ In Medveđa, these 24-hour shifts last 15 days.

The idea would be that with more permanent stations, the work of these units would become more comprehensive and in line with duties of regular police stations. The officers assigned to these stations would then be able to have more regular working hours (the four-day shift system should cease), get to know their area of operation in more detail and have the time to develop their skills as a police officer. At present, most of the MEPE officers' time is spent guarding their individual containers. The developments outlined above would have a positive effect on the morale of the officers, give a more permanent presence in the field and would allow normal career development and rotation of staff between these field offices and HQ, as required. The Ministry and local political representatives alike would support such developments in the function of the MEPE. It is understood that this reform measure would have the support of the Ministry, the MEPE personnel and the local political representatives and should be supported by the OSCE.

To implement the above development, including choosing the exact location of these police stations, a working group should be established. Members of the group should include the local police authorities, the Co-ordination Body for south Serbia, local elected representatives and the OSCE, as guarantors of the process⁶⁶.

Recommendations

- 79) Elected representatives should be admitted to the regular meetings on the security situation between the Co-ordination Body and the Security Services.
- 80) The process of implementing community policing should be continued in south Serbia as should the OSCE's assistance to this process.
- 81) To encourage an open and honest dialogue between the police and the community in south Serbia, Citizen Advisory Groups should be developed. These groups should be made up of elected representatives, civil society and community groups and their sessions should be open to the public. Greater communication by the police service with the public should also take place through co-operation with the media.
- 82) Municipal Assembly Security Committees should be set up at municipal level, ensuring greater participation of elected representatives in the setting of policing objectives and evaluating policing activities.
- 83) The agreement to transfer officers out of south Serbia who had previously served in Kosovo should be fulfilled, as stipulated under the Čović Plan.
- 84) There should be a consolidation of current MEPE units. This consolidation should lead to the establishment of permanent police stations responsible to the municipal HQ. This will enable normal working shifts for officers and allow them to expand their duties.
- 85) The process of consolidation should be overseen by a group consisting of local police authorities, the Co-ordination Body for south Serbia, local elected representatives and the OSCE, as a guarantor of the process.

⁶⁶ Having discussed this idea with local representatives, it would appear that all sides are amenable to such a development and would prefer the OSCE presence to be an objective guarantor of the implementation process.

13. The International Community

The OSCE



Since the publication of the initial OSCE Study on Policing in FRY (July 2001), the Law Enforcement Department has built a good relationship with the Ministry of Interior. This led to the OSCE being named as the co-ordinator of international support to the police reform process in December 2001. As outlined in this document, the reform process has developed since its inception. With this development the needs of the police service have also changed, meaning that the role of the international community should evolve in tandem with the reform process.

Taking into account the OSCE's current role and capacity, together with the needs of the reform process, the Law Enforcement Department's strategy and engagement in the reform process must be threefold:

- to provide expert advice and guidance,
- to monitor the progress of the reform, and
- to co-ordinate international assistance.

Provision of Expert Advice and Guidance

The reform process that has been undertaken by the Ministry of Interior is wide in scope and for this the Ministry should be commended. Most European police services attempt to reform gradually, tackling issues of operational and administrative procedures over time. The Serbian police service does not have that luxury, at least not at this stage. There is a need for a comprehensive and complete review of all aspects of the service and in this regard the service is in need of a wide range of practical expertise and advice.

The primary role of the OSCE is to provide this practical expertise and advice. With over 30 international police officers on mission in Serbia and Montenegro, the Law Enforcement Department (LED) is the largest provider of policing expertise in the country. There has been a significant shift within the LED over the last year, with a reallocation of resources away from training and into other priority areas. The focus in training is now on the Trainer Development Course (TDC). This 'train the trainer course' aims to provide sustainable methods of education development within the Serbian police service.

The development and implementation of a national reform strategy that aims to develop the structural integrity and capacity of the police service need to be the focus of the OSCE over the next number of years. The internal reforms within the department over the past year have enabled the OSCE to be in a position to carry out this task. Change management and taking a strategic approach to reform are areas where the Department also needs to focus assistance to the police service and the Ministry of Interior. In addition the LED offers its assistance in the development of regional policing initiatives and modern investigative methodologies.

Co-location of OSCE Police Expertise

The manner in which the OSCE provides this assistance needs also to be evaluated. At present the OSCE develops strategies almost in isolation, this creates problems for their

practical implementation and co-ordination with other international partners. Over the last year the Department placed a concerted effort towards working with the Ministry in developing its programme strategies, to ensure that they were in line with Ministry needs and objectives. This process, and our working relationship with the Ministry, needs to be developed further. In addition, the process of developing strategies on the reform process should include greater co-ordination with other national and international actors in the area of police reform. Therefore a review of how the OSCE should provide advice to the Ministry needs to take place.

The implementation of a policy of co-location, meaning that OSCE experts work directly with their counterparts providing the necessary advice and assistance when required, is one manner of OSCE engagement⁶⁷. This will entail OSCE experts working within the Inspector General's Office, the Organised Crime Directorate, the Police College or the Border Police Service, assisting with the formulation of strategies and the implementation of the reforms. Through co-location a greater understanding of the needs of the reform process can be achieved. This would enable the OSCE to properly monitor the progress and provide the international community with in-depth analysis of the course, direction and requirements of the Serbian police service. Furthermore, by being on-site with the police service the OSCE expert can be an immediate source of ideas and alternatives.⁶⁸ Having discussed this idea with senior Ministry officials, they would welcome such an initiative by the OSCE and would see this as a positive development and a welcome and necessary resource. A strategy of co-location would however be strictly managed and requires a clear understanding of each other's roles.

While there is no doubt that co-location as a strategy would be beneficial to the role of the OSCE and the level of expertise transferred to the police service, the implementation of a co-location strategy in itself will not entirely fulfil the OSCE's obligations to the reform process. It will have to be complemented by a core staff at headquarters that then objectively assesses the progress and strategic development of the Ministry's policies, while co-ordinating the OSCE's response and the international community's engagement in the process. In addition, the limitation of human resources within the Law Enforcement Department of the OSCE makes the implementation of such a strategy difficult. The current level in the Mission headquarters together with the three training sites currently operated by OSCE personnel⁶⁹, leaves minimal personnel available for co-location.

An argument could, however, be made that the OSCE should focus its Mission resources on its strengths and in areas not normally covered by other competent international organisations. Police reform and reform of the judiciary are two such areas. Acknowledgement of such priorities and the acceptance of the co-location strategy would require a reallocation of resources and personnel within the OSCE Mission to fulfil these obligations.

⁶⁷ It is imperative that there are detailed procedures in place to ensure that co-operation remains impartial and in line with the OSCE's mandate and policies. As such the strategy of co-location will have to be carefully managed and its outcomes constantly evaluated.

⁶⁸ The OSCE expert will not be involved in operational issues but will work more at the supervisory/strategic level.

⁶⁹ The three OSCE training sites are in Bujanovac and Zemun in Serbia, and Danilovgrad in Montenegro.

In addition, the development of the TDC means that Serbian and Montenegrin graduates of this course should be able to take over the training of current OSCE courses (including the TDC) in 2004⁷⁰. It has been agreed that trainers in south Serbia will take a more practical, field training role in the development of community policing. As such these trainers should be viewed as community policing advisors, assisting with the development of practical initiatives and imparting the strategies and theories of community policing through their hands-on engagement with police officers in the region. A strong argument can and should be made for a similar approach to be taken to community policing in Montenegro⁷¹.

Monitoring Reforms

The process of reform within the Ministry of Interior and the police service is a medium-to long-term endeavour. As with any reform process there is a constant need for evaluation and where necessary a re-alignment of priorities, resources and strategies, to ensure that objectives are reached and outcomes are as expected.

While the Ministry of Interior should carry out its own assessment, to ensure that milestones are reached and evaluate whether indicators of success are achieved, the international community must also be in a position to monitor the progress made in the reform process and to ensure that certain standards and principles are being upheld. The OSCE should continue to carry out this role through the compilation of periodic reports, such as this one, as well as ad hoc reports and assessments on specific issues of importance⁷². Such reports, carried out with the agreement of the Ministry, should be constructive and as practical as possible. Providing potential solutions to overcome problems and highlight inefficiencies that need to be dealt with.

The LED has a productive and professional working relationship with the Ministry and is therefore in the best position to carry out such monitoring tasks. In addition, the OSCE is the only international organisation with the level of expertise in country to carry out this task. Furthermore, as co-ordinator of international support to the police reform process, these reports are necessary to keep the international community informed of developments and focus attention on specific areas in need of support and assistance.

Co-ordinator of International Assistance to the Police Reform Process

To date it could be argued that the OSCE has not fully developed its role as co-ordinator of international assistance to the reform process. There are a number of reasons for this, not least an unwillingness on the part of the international community to co-ordinate its activities

⁷⁰ It should be noted however that as OSCE trainers are phased out, some personnel should remain to quality-assure the trainer and provide advice, at least until the end of 2004.

⁷¹ This can begin to be implemented as Montenegrin trainers took over from OSCE trainers at Danilovgrad following their graduation from the TDC in the latter half of 2003.

⁷² The Law Enforcement Department currently carries out a number of assessments that assist in developing OSCE strategy/policy and direct international assistance to areas in need of development. This process forms a central pillar of the law enforcement engagement in the reform process.

with the OSCE. In addition, the Ministry has, in the past, played one organisation against the other in an attempt to get as much out of the international community as possible. Indeed, the Ministry has often used the international community as a justification for the passing of some proposals⁷³.

Co-ordination amongst the international community must improve in the interest of ensuring the most effective use of resources and the channelling of donor assistance to the reform areas most in need. The OSCE possesses a wealth of knowledge on the reform process and the international community should see this as an asset to be utilised, rather than as 'competition'. There are numerous cases where international organisations have brought 'experts' in for one or two weeks and subsequently funded projects proposed by individuals with only a cursory knowledge of the reform process. This has been a view reiterated a number of times in discussions with senior Ministry officials. The OSCE has been involved in police reform from the beginning; its experience is not based upon a week or two's intensive visit but upon a long standing engagement in the process and a thorough understanding of the principles of police reform.

The international community must begin to speak with a single voice if it is to have a significant impact on the course of the reform process⁷⁴. In addition, the international community must prioritise what it sees as reform areas in need of urgent attention and where their expertise is most required. International support should, of course, be in line with the overall strategic objectives of the reform process. For this reason, regular operational meetings must take place between those organisations and embassies with an interest in the reform of the Serbian police service. This group should highlight areas of concern, issue joint press releases and collectively decide on the areas where international support is most required. Until the reform process is approached in such an organised manner, the response of the international community will remain disoriented and unco-ordinated.

As part of the OSCE's role as co-ordinator of international assistance, there is a need for the development of a database containing all international projects of assistance being carried out with the Ministry of Interior. There are currently plans within the Law Enforcement Department to carry out this task. It is a project however that will also require the co-operation and assistance of the international community.

Establishment of International Police Reform Fund

The manner in which the international community engages in the reform process must be reviewed. While there will always be cases where countries will have projects of specific

⁷³ This is the case with the forthcoming Police Law. While the OSCE (including ODIHR) and COE have all provided feedback on earlier versions of the law, none have received the updated version that is due to be sent to parliament. Therefore there is no opportunity to assess what recommendations have been incorporated into the final version and which recommendations have not. At the same time, the Ministry is heralding that the law was developed in association with the international community.

⁷⁴ Discussions with Ministry officials also highlighted their desire that the international community speaks with one voice. This would facilitate the implementation of reform, through the establishment of public discussion on the process.

bilateral interest, the vast majority of cases are of regional and international interest. The current situation where support is given in a piecemeal basis does not fulfil the requirements and needs of the Ministry.

Bilateral funds rarely are able to fulfil the equipment and infrastructure needs of the Ministry and the police service. While countries have shown a willingness to assist with the reform process, some format must be developed that will facilitate the accumulation of funds that can fulfil the required reform.

It is proposed that a fund for police reform be established that could group bilateral donations and together enable the commencement of necessary large scale projects such as criminal intelligence capacity or the development of the Border Police Service. The OSCE would be in the best position to manage such a fund and in co-ordination with other donors develop specific projects in the priority areas. Financial and progress reports would be developed every four to six months, with all major decisions being made by the co-ordination board. It is interesting to note that of the 4.5 million euros pledged at the sponsorship conference in June 2002, a significant amount of funding has not yet been forthcoming. Therefore, it is evident that an alternative method of fund implementation must be established.

Where the OSCE and the International Community's Policy Should Focus



As outlined in the 'Introduction' (see page 15) of this document, assistance to a reform process can be divided between enhancing the capacity or the integrity of a segment of the state structure⁷⁵.

Whether it is the police service, the judicial system or the parliament, assistance can be categorised into capacity or integrity and individual or structural. International organisations, including the OSCE have historically focused upon the development of individual integrity and capacity, meaning that there was a focus on training the individual in technical or ethical issues. For the international community this represented the best manner in which to have, a 'quick-win', a media-friendly and a short-term engagement in a post-conflict situation. It does not however lead to sustainable development nor ensure the endurance of the democratisation and stabilisation processes. One of the major problems with solely focusing on individual capacity and integrity without tackling the difficult structural change, is that the application of what is learnt by the individual will be limited, without serious changes to the legal and regulatory framework of the government institution.

Sustainable development requires a balanced mixture of structural and individual engagement, as regards both capacity and integrity. The policy of the OSCE and also the international community should therefore be twofold. An emphasis should be placed on structural development, working at the strategic level within each government institution, assisting with the development and implementation of the strategic aspects of the reform/

⁷⁵ The division of assistance between capacity/integrity and individual/structural was initially presented in the 'OHR Report on a Police Follow-On Mission to UNMBIH and the UN International Police Task Force' November 2001 by Monk, Holm and Rumin.

modernisation processes. Provision of expert advice and guidance on the development of the legal and regulatory framework that would establish the rule of law and democratic nature of state institutions should be a priority. This should be coupled with a sustainable education project, the very basis of which should be a 'train the trainers programme', such as the TDC (Trainer Development Course) provided by the Law Enforcement Department. While additional curricula will be required and can be provided by the international community, a train the trainer course will make advances in regulatory/ethics training more sustainable. It will also transfer the responsibility for the implementation of such concepts onto the national authorities. In addition to the simultaneous top-down and bottom-up approach taken by the international community, it should also play the role of independent evaluator/monitor of the progress of the reform process. The international community can play an important role by highlighting deficiencies and priorities within the reform process, a process that would benefit the national reforms and the allocation of international resources.

In a law enforcement sense, this would mean that the LED should focus its work with the Ministry on a strategic level. This assistance would include working with the Ministry in the development of a viable strategic plan that would foresee the implementation of the necessary structural changes, the development of internal regulations (for disciplinary issues, human resources, administration, operational procedures) and the development of national crime strategies. The national crime strategies would focus on crime prevention and investigation methodologies, in such areas as organised crime, community policing, accountability and the development of a Border Police Service. The implementation of the Ministry's 3-5 year strategic plan and the various national crime strategies would require further infrastructure and equipment development, supported by the necessary specialist training.

As outlined in this document, the most effective manner to effect significant change in policing culture and efficiency is through an effective education programme. There is a tendency that short-term training programmes that are normally provided by the international community lack the aspects of sustainability that are required to effect long-term change. The focus therefore should not be on bringing experts in for a week or two to provide training to a small group of police personnel, but on the provision of curricula and the training of national trainers. Practical experience and expertise are always important and so the provision of short-term training can continue to take place, however it should be supported by a long-term strategy that will enable the next generation of police personnel and investigators to receive similar levels of training. The OSCE's Trainer Development Course is creating a cadre of professional trainers with the necessary training in modern teaching methodology. In addition, the Ministry's plan to develop a number of on-site training centres around Serbia will create the basis of sustainable education development. What is required now is an alteration of the engagement of the international community to fulfil the curricula and specialist education needs of the new Serbian police service.

The OSCE's focus therefore for the next 12 months should be on assisting the Ministry to transform its Vision Document into a viable strategic plan. The Ministry must implement structural changes if the reform process is to achieve any success over the long term. The establishment of a strategic planning unit at the Ministry and the Police Directorate levels would enable a dual focus on the development of a reform strategy and the development

of a strategy for policing methodology. Support for these units is vital from the international community's perspective, as is the transfer of regulatory, policy and legal instruments from the experience of national police services. Support for the development of structural capacity is also necessary but should only be part of a long-term strategy with definable and measurable goals and indicators. To effect sustainable and effective change, the international community must truly co-ordinate its activities. The OSCE is still best placed to carry out this task and should develop this role as a cornerstone of its activities in the area of police reform.

Recommendations

The OSCE has three roles to play in the police reform process:

- Provider of on-site policing expertise
 - Objective monitor of the reform process
 - Co-ordinator of international assistance
- 86) In order to monitor the reform process, the OSCE should carry out periodic reports on the progress of reforms and make substantive input to realign priorities where necessary.
- 87) Working agreements should be established with those in the international community interested in the area of police reform. This should ensure better co-ordination of activities and public statements.
- 88) Regular operational meetings must take place between the OSCE and those organisations and embassies with an interest in the reform of the Serbian police service. This group should highlight areas of concern, issue joint press releases and collectively decide on the areas where international support is required and put to best use.
- 89) The OSCE should develop the strategy of co-location as a means of transferring the required expertise to Ministry counterparts.
- 90) The OSCE Mission should prioritise areas in which it has expertise and in which other international organisations are not taking the lead role. In this regard the areas of police reform and judicial reform are proposed.
- 91) As part of the OSCE's role as co-ordinator of international assistance there is a need for the development of a comprehensive database containing all international projects of assistance being carried out with the Ministry of Interior. This requires the active co-operation and assistance of the international community.
- 92) The international community should establish a police reform fund, so that bilateral assistance could be pooled and more extensive projects developed to meet the more critical needs of the Ministry.
- 93) International organisations, including the OSCE, have historically focused upon the development of individual integrity and capacity. Future OSCE and international community policy as regards the police reform process should focus on building long-term structural and strategic capacity in addition to the individual capacity, which offers more short-term benefits.

Annex 1

List of Recommendations

I. POLICE REFORM AS A GOVERNMENT PRIORITY

- 1) The Serbian government should publicly declare police reform as a priority and follow this up with increased spending that will have clear goals as regards reform priorities.
- 2) As part of the new organisational structure within the Ministry, strategic planning should become a central component. This Strategic Planning/Management Unit should be responsible for developing the plans/initiatives to implement the reform programme and to monitor and evaluate it. Furthermore, this unit should be used as the 'think tank' of the Minister and work with other directorates in the formulation of 'National Plans', such as a 'National Plan on Drugs' or a 'National Plan on the Fight Against Organised Crime'. Such plans should be based upon developing mechanisms that will target the ability of organised crime to function and not merely aim to gather intelligence.
- 3) Using the Vision Document as a basis, the Ministry should develop a comprehensive strategic plan. The plan, which should include time scales and milestones, should also allocate responsibility and resources. The strategic management component in the Ministry should be responsible for drafting the initial proposal.
- 4) To overcome the perception of the police as a political tool a distinctive division should be made between the Ministry and the Police Service. While maintaining that the police service is accountable to the Minister, there should be an independent police structure with full operational authority.
- 5) Either through the newly created office of the Inspector General or through an independent commission such as the Ombudsman, some form of lustration has to occur within the police service. While it is evident that the vast majority of police officers are supportive of the reform process, there is a segment that has a vested interest in hampering the movement towards a more accountable and open police service. Until some form of lustration takes place there will remain a perception amongst the public that the police service is a lingering inheritance from the previous regime. One solution, albeit a potentially costly one, would be to provide early retirement for those who believe they have no place in the new Serbian Police Service.

II. THE 3 D's – DECENTRALISATION, DEPOLITICISATION AND DEMILITARISATION

- 6) A policy of greater decentralisation of operational decision-making should be implemented as part of the re-organisation of the Ministry and the police service. This will involve the division of the Ministry into its operational parts (Fire Fighting and Rescue Service, Police Service Border Police Service and Office of Inspector General), as well as the transfer of authority to municipal/regional police authorities issues specifically related to policing in that community.
- 7) A delegation of authority with regard to the implementation of the reform process should occur. This will facilitate the monitoring of process on a regional basis.

- 8) A clear distinction must occur between the Ministry, responsible for the development of policy, and the police command structures, responsible for the operational issues of policing.
- 9) The role of elected representatives in the appointment process of OUP and Heads of Secretariats, should be restricted to the ratification of the internal appointment procedures rather than an active role in proposing candidates. This will ensure that the police service is not used as a political tool but that senior management remain accountable to municipal and national legislatures.
- 10) The ranking structure should be changed to reflect the civil nature of the police service. The sample ranking structure proposed in this document should be duly considered. There is a need for a reduction in the number of ranks to ensure a flatter organisational structure. That said, within each rank there can be a number of pay grades that should reflect years of services, experience and merit.
- 11) The armoury of the Gendarmerie should be reviewed, with all heavy military equipment transferred from this unit. Furthermore its terms of engagement should be reviewed to ensure that they and the equipment of the Gendarmerie reflect the civil nature of its task.
- 12) A parallel grading system should be developed for all non-operational staff (administrative and professional staff) within the Ministry, to prevent non-police officers holding ranks for payment purposes.

III. POLICE CULTURE AND COMMUNITY POLICING

- 13) There should be a review of internal regulations to ensure their compliance with international norms.
- 14) The Code of Ethics should be re-written to reflect the police service's commitment to protecting people's rights and conducting law enforcement in an ethical and transparent manner.
- 15) Simply distributing the Code of Ethics is not sufficient. It should be supported by a nation-wide campaign to actively educate the public and the police officers of the rights, obligations and the consequences of breaching this code. This campaign must be initiated and supported by senior management within the police service and the Ministry. This campaign can stimulate discussion on the reform process, the Law on Police and the Law on Police Education that should take place throughout Serbia before these laws go to parliament.
- 16) The upcoming laws on police should contain defined disciplinary measures for breaches of the Code of Ethics and internal regulations. These should be supported by the development of internal regulations that ensure a transparent, impartial and a fair complaints procedure. Regulations should support both an aggrieved victim and an innocent police officer.

- 17) The Ministry needs to declare clearly and unambiguously that corruption of any kind, from minor incidents through to serious violations of individual rights, will not be tolerated within a modern police service.
- 18) In the interest of furthering community policing and the decentralisation of authority, a Municipal Safety Fund should be established. This proposal should be first pilot tested and may be contingent upon the implementation of the Law on Local Self-Government.
- 19) Greater support should be given to developing a Serbian approach to community policing. Community policing will lead to greater engagement with the public and represents the most effective mechanism for altering the way in which the Serbian Police Service operates.

IV. POLICE EDUCATION

- 20) International support should be channelled towards the development of the Police Faculty. This support should take the form of curricula development, teaching equipment and infrastructure development.
- 21) The use of the Police High School in its current form should cease as soon as possible and post-secondary standardised Basic Training Centres established post haste.
- 22) The Ministry of Interior should establish a second Basic Training Centre in southern Serbia or at another regional centre, utilising the same curricula and teaching methodology as in Sremska Kamenica.
- 23) A review panel should be established to overview the development of curricula at the proposed Basic Training Centre. The OSCE should facilitate and assist in this process.
- 24) The Trainer Development Course should be continued and should become a prerequisite for all trainers teaching the proposed Basic Training Course and for those teaching operational modules at the Police Faculty.
- 25) Agreement should be reached between the Ministries of Interior in Serbia and Montenegro about using the proposed Police Faculty as an undergraduate training centre for intermediate and senior Montenegrin officers and command staff.
- 26) The Government of Serbia should propose the affiliation of the new Police Faculty with the University of Belgrade and aim to develop courses in line with the needs of a modern police service, such as forensics, crime scene investigation, intelligence analysis and management skills.
- 27) Consideration should be given to providing scholarships to undergraduate and postgraduate students, with the aim of filling the current gap in specialist skills within the police service.
- 28) The OSCE, with the assistance of member states, should establish a centre for police education (which could be developed as an online resource), within the SPMU in Vienna. The

purpose of the centre would be to act as a resource for developments in police education and the standardisation of police education, principles and procedures through the sharing of knowledge and experience in the area of police education.

29) It is recommended that a police trainer exchange programme be developed in association with other police training institutes across Europe. The purpose of the exchange is the introduction of new curricula and teaching methodologies, as well as the training in foreign language proficiency.

V. ORGANISATIONAL STRUCTURE AND STRATEGIC PLANNING

30) The Vision Document should be viewed as the basis of the Ministry's reform strategy, however this document needs to be supplemented by detailed plans, timelines, specific milestones, realistic goals and practical steps to realise the vision of a new police service.

31) New reform indicators should be developed that are measurable and which can be used to monitor progress in the reform process. The OSCE should agree to be the independent monitor of the reform process and as such produce periodic assessments on the progress achieved towards the agreed performance indicators and highlight the areas in need of further attention.

32) As part of the upcoming Law on Police, the new organisational structure of the Ministry should focus on:

- The division of the Ministry, responsible for policy and oversight, from the operational units (the Police Service, the Fire Fighting and Rescue Service and the Border Police Service).
- Separating all administrative services provided by the Ministry (e.g. issuing IDs, passports, driving licences, etc.) from the Police Service and assigning them to the new General Administrative Services Directorate. In this way, this role of the Ministry would lose a 'uniform' character and would be perceived rather as an ordinary public service. Eventually, this type of service should be separated from the Ministry and assigned to other public agencies.
- Greater decentralisation within the police service aiming to increase operational effectiveness and the delegation of authority and responsibility. This can be achieved through the division of the country for command purposes into five security sectors. The main idea is that this division would reflect a reporting line of accountability to senior command staff within the Police Directorate, who would be responsible for ensuring that national policy is implemented at local level.
- Greater co-ordination of those departments involved in national/transnational criminal activity.
- The development of a viable and sustainable criminal intelligence capacity within the police service, accessible by all necessary operational units. Thought should be given as to where this component is best placed and how departments could best utilise this service.

- 33) The organisational structures as developed as part of this report should form the basis of discussions on a new Ministry and police structure. The aim of this proposal is to assist with the discussion on structural reform which will have a direct impact on the effectiveness of the police service in the future.
- 34) There is a need to review the structure and strength of the Traffic Police Unit within the police service, while building a cadre of highly trained and ethical traffic enforcement professionals. As part of this assessment the most effective use of the police service resources and the potential for multi-skilled officers should be considered.
- 35) The strategic development component of the Ministry and the police service should be enhanced and supported. A Ministry-level component—possibly developed from the current Analytics Directorate—should focus on developing and overseeing strategies aimed at implementing the Ministry's reform objectives. The strategic development unit within the police service should focus on the development of specific operational methodologies, aimed at turning Ministry policy into operational practice. There should also be strategic development components established at secretariat level.
- 36) There should be an independent audit of the resources and internal procedures of the Ministry as part of the new systematisation envisaged under the draft Law on Police due before the parliament in 2004.

VI. ADMINISTRATIVE REFORM, HUMAN RESOURCES AND CAREER DEVELOPMENT

- 37) An independent audit of Ministry resources (both financial and human resources) and administrative procedures must occur as a matter of priority. This should take place before the systematisation of posts is completed. The audit should also assess the efficiency and effectiveness of operational and administrative duties carried out by the police. This review should include staffing levels, budget procedures and means of utilising human resources more effectively within the Ministry and police service. Special attention in this review should be paid to developing transparent procedures in relation to budget formulation and spending, making the process more transparent and accountable.
- 38) Once the review of administration structures and procedures is completed, a proper process change of management will be required to ensure the successful implementation of the new administrative procedures.
- 39) A separate Human Resources Department as outlined in the proposed organisational structure should be developed and human resource officers placed within each Secretariat.
- 40) An independent audit of the pay and conditions of police officers should be conducted to assess the feasibility of increased pay and benefits; at least for officers involved in anti-corruption issues.
- 41) The Ministry must develop innovative methods to attract new recruits. This should involve targeting of specific groups including minorities and university graduates. The service aspect of the role that police officers perform in society should be emphasised.

- 42) Initiatives should be put forward for attracting high quality recruits and professional staff (i.e. non-operational staff) into the police service. Proposals from this report include the provision of undergraduate and post-graduate scholarships to study at the new Police Faculty, the development of a fast-track promotion system for talented officers and the waiver of military service in lieu of work within the police service.
- 43) All senior and command positions that become available should be filled through an open application process rather than by appointment and lobbying.
- 44) All such positions should be advertised within the service and an interview panel comprised of senior officers and a human resources representative who will impartially assess the fairness of the process.
- 45) Political appointments of operational positions within the service should cease. All appointments should be based upon merit and experience.
- 46) The vetting role that the BIA plays in the recruitment and promotion procedures of the Ministry should be assessed. It should be clarified whether its role is appropriate or necessary.

VII. ENHANCING POLICE ACCOUNTABILITY

- 47) The Office of the Inspector General, with responsibility for internal affairs nationally, must be adequately staffed and equipped. Strict vetting procedures of staff should be developed and maintained. Consideration should be given to developing the regional capacity of this office.
- 48) As part of the development of the Office of the Inspector General, a full review of regulations with regard to internal affairs should take place. This includes the procedures for making complaints, penalties, the investigative powers of the Inspector General and an obligation to inform the person who originally made the complaint.
- 49) The powers of the Office of the Inspector General should include the other services within the Ministry including the Fire Fighting and Rescue Directorate and the Gendarmerie. There should be free and unequivocal access to all personnel and files. In this regard obstruction of an internal affairs investigation should be a disciplinary offence, if not a criminal matter.
- 50) The Office of the Inspector General and its staff must remain outside the normal chain of command. The staff must be permanently assigned to the Office and not answerable to unit commanders.
- 51) The Inspector General is answerable to the Minister and through him to the Security and Defence Committee in the National Assembly.
- 52) There is a need for greater accountability within the BIA, with the establishment of a similar office as the Inspector General within that institution. There should also be a greater effort made to make the BIA accountable to parliament.

- 53) The proposed Law on the Ombudsman (currently before the government) should ensure that the institution of the Ombudsman has the right to investigate issues relating to the police service and the Ministry of Interior. In this regard the allocation of an assistant Ombudsman with such authority is recommended.
- 54) Greater co-operation with the Security and Defence Committee in the National and Regional Assemblies must take place. This should also take place at municipal level between municipal authorities and their respective OUPs.
- 55) There is a general need for greater education of the NGO sector and political representatives on the issue of oversight with regard to the police service.
- 56) The Serbian government should implement the recommendations of the UN Committee against Torture as matter of priority, through providing an adequate definition of torture in domestic legislation.
- 57) The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment should be ratified as a matter of priority.
- 58) It is imperative that internal affairs regulations put in place mechanisms that safeguard officers from malicious allegations and from those who would use the system for retribution.
- 59) Consideration should be given for the establishment of a Police Association that would act as a lobbying mechanism for police officers as regards pay, conditions and welfare issues.

VIII. TECHNICAL EQUIPMENT AND INFRASTRUCTURE

- 60) An independent audit of infrastructure needs and current usage should take place, taking into account proposed organisational changes and the new systematisation.
- 61) A meeting between representatives of the international community, the Ministry of Interior and the Finance Ministry should take place with the purpose of developing a plan for reconstruction of the Ministry of Interior's infrastructure that was previously destroyed. The international community should seriously consider developing an aid package specifically to deal with such infrastructure needs.
- 62) As part of the strategic development within the Ministry, plans should be developed for the purchase of necessary technical equipment. The priorities for assistance from the international community should include IT networking database development and criminal intelligence infrastructure.
- 63) Resources will be needed for forensic equipment and advanced training (some of which is currently being funded by European Agency for Reconstruction—EAR) and crime scene management kits. The OSCE and the EU have already carried out a number of assessments, however the required funding has not yet been made available. The plan by the Ministry needs to be comprehensive enough to assure the international community of the sustainability and use of such equipment. Due to the size of equipment needs, it is

apparent that a multilateral donor or a number of countries joining together would be the best approach to funding. A further option would be a joint funding project between the government of Serbia and a number of international donors, in association with EAR or the World Bank.

- 64) The implementation of the Geographic Information System and the development of a national operations centre should be supported by the international community and accepted as a priority by the Ministry.
- 65) The national operations centre should contain senior members of all sections within the fire service, the police service and the Gendarmerie. These members co-ordinate activities and responses and should have decision-making authority.
- 66) The upgrading of detention cells and interview rooms should be viewed as a matter of priority.
- 67) The development of the legal mechanism and a quality-assurance system for the use of forensic evidence should be undertaken.

IX. RE-DEFINING THE USE OF THE MEDIA

- 68) A review of the function of the Office of the Spokesperson within the Ministry should take place. At present its function is largely that of a public relations function rather than a source of public information. This should lead to the development of a media policy and media guidelines that would be familiar to all personnel within the Ministry.
- 69) The Ministry should review its support to television police reality programmes and put in place processes to ensure that such programmes do not undermine due judicial process or hamper an individual's right to a fair trial.
- 70) At the level of Secretariats, spokespersons should be appointed, while at OUP level appropriate media liaison officers should be designated. These should be police officers that are media aware and have received media training. Their work should be defined by media guidelines. Examples of issues that should be covered in such guidelines have been outlined in detail in this document.

X. THE FIGHT AGAINST ORGANISED CRIME

- 71) The development of a national strategy on the fight against organised crime should be seen as a priority. The strategy should cover investigative and disruption methodologies to be incorporated in the fight against organised crime.
- 72) There is a critical need for the development of a witness protection programme. Such a programme will be a vital tool in the fight against organised crime.
- 73) Development of legislation and regulations covering the use of modern investigative techniques is required to ensure evidence is admissible in court proceedings.

74) The development of the criminal intelligence capacity within the police service should be seen as a matter of urgent priority. Overdependence on BIA intelligence is not conducive to independent, accountable operations and needs to be decreased in order to effectively tackle organised criminal activity.

XI. THE DEVELOPMENT OF A BORDER POLICE SERVICE

75) While the need to demilitarise the Green Border is evident, there is a need to ensure the creation of a professional Border Police Service. This will entail substantial infrastructure and training development, in which the international community should engage in as a matter of urgency.

76) The current recruitment campaign has been organised in a hasty manner. Future admissions to the Border Police Service should be advertised in a manner that ensures as broad a representation as possible.

77) The process that the Border Police Service has undertaken in developing the strategic plan to take over the Green Border is something that could be modelled in other areas of the Ministry. Basing the plan on an assessment of needs, consultations with interested partners, incorporating (and envisaging) EU standards and the development of a clear timeline with benchmarks, is a process that the Ministry as a whole could learn from.

78) The training curricula for the Border Police Service would benefit from international participation and recognition.

XII. SOUTH SERBIA

79) Elected representatives should be admitted to the regular meetings on the security situation between the Co-ordination Body and the Security Services.

80) The process of implementing community policing should be continued in south Serbia as should the OSCE's assistance to this process.

81) To encourage an open and honest dialogue between the police and the community in south Serbia, Citizen Advisory Groups should be developed. These groups should be made up of elected representatives, civil society and community groups and their sessions should be open to the public. Greater communication by the police service with the public should also take place through co-operation with the media.

82) Municipal Assembly Security Committees should be set up at municipal level, ensuring greater participation of elected representatives in the setting of policing objectives and evaluating policing activities.

83) The agreement to transfer officers out of south Serbia who had previously served in Kosovo should be fulfilled, as stipulated under the Čović Plan.

84) There should be a consolidation of current MEPE units. This consolidation should lead to the establishment of permanent police stations responsible to the municipal HQ. This will enable normal working shifts for officers and allow them to expand their duties.

85) The process of consolidation should be overseen by a group consisting of local police authorities, the Co-ordination Body for south Serbia, local elected representatives and the OSCE, as a guarantor of the process.

XIII. THE INTERNATIONAL COMMUNITY

The OSCE has three roles to play in the police reform process:

- Provider of on-site policing expertise
- Objective monitor of the reform process
- Co-ordinator of international assistance

86) In order to monitor the reform process, the OSCE should carry out periodic reports on the progress of reforms and make substantive input to realign priorities where necessary.

87) Working agreements should be established with those in the international community interested in the area of police reform. This should ensure better co-ordination of activities and public statements.

88) Regular operational meetings must take place between the OSCE and those organisations and embassies with an interest in the reform of the Serbian police service. This group should highlight areas of concern, issue joint press releases and collectively decide on the areas where international support is required and put to best use.

89) The OSCE should develop the strategy of co-location as a means of transferring the required expertise to Ministry counterparts.

90) The OSCE Mission should prioritise areas in which it has expertise and in which other international organisations are not taking the lead role. In this regard the areas of police reform and judicial reform are proposed.

91) As part of the OSCE's role as co-ordinator of international assistance there is a need for the development of a comprehensive database containing all international projects of assistance being carried out with the Ministry of Interior. This requires the active co-operation and assistance of the international community.

92) The international community should establish a police reform fund, so that bilateral assistance could be pooled and more extensive projects developed to meet the more critical needs of the Ministry.

93) International organisations, including the OSCE, have historically focused upon the development of individual integrity and capacity. Future OSCE and international community policy as regards the police reform process should focus on building long-term structural and strategic capacity in addition to the individual capacity, which offers more short-term benefits.

Annex II

Terms of Reference

Police Reform in Serbia 2001-2003

Working title: **Status of the Police Reform Process in Serbia since 2001**

Introduction

In the two and half years since the publication of the 'Study on Policing in the Federal Republic of Yugoslavia', commonly known as the Monk Report, Serbia has witnessed many significant changes. The Federal Republic of Yugoslavia is no more, the Serbian government has embarked on a reform process that prioritised six areas of police reform, including organised crime, accountability, community policing, education development, forensics and border policing. Serbia has also suffered the assassination of Prime Minister Zoran Đinđić, experienced a period of a state of emergency, and the commencement of a large scale operation against organised crime. An operation that was heralded by the Minister of Interior as resulting in the end of organised crime activity in Serbia.

The previous two years have seen a significant development in the police reform process, however the assassination of Prime Minister Đinđić called for serious reflection about the strategy, successes and engagement in the police reform process over the previous two years. Furthermore, it highlighted the need to re-assess the priorities of the reform process, as well as the potential role that the international community should play. It is expected that this report will fulfil this criteria. It aims to assess the current policy of the Ministry of Interior, together with the engagement of the OSCE and the international community. These policies will be analysed in light of the current constraints on the reform process, the current political reality and the need for re-alignment of current strategies in order to meet agreement objectives.

Terms of Reference:

- Evaluate progress towards fulfilling the recommendations of the Monk Report
- Evaluate the current strategy of the Ministry of Interior as regards the police reform process in Serbia
- Evaluate the OSCE's current strategy, role and activities in the area of police reform in Serbia

Objective:

- Make recommendations regarding the OSCE Mission's engagement in the police reform process
- Make recommendations regarding the Ministry of Interior's future strategy for the police reform process
- Make recommendations regarding regional co-operation in police reform

Annex III

List of the Interviewees

Ministry of Interior

I Minister of Interior for the Republic of Serbia – Dušan Mihajlović

II Minister's Cabinet:

- Colonel Ivan Đorđević – Chief of Staff in the Minister's Cabinet
- Colonel Vladan Čolić – Head of Public Information Bureau and Ministry of Interior's Spokesperson
- Brankica Grupković – Bureau for International Co-operation, Donor Co-ordination and Project Support
- Colonel Srbislav Ranđelović – Inspector General

III Secretary of the Ministry of Interior – Slobodan Miletić

IV Public Security Sector:

- Lieutenant-General Sreten Lukić – Assistant Minister and Head of Public Security Sector
- Colonel Ratko Vujadinović – Assistant to the Head of Public Security Sector (in charge of Vojvodina)
- Lieutenant-Colonel Zoran Alimpić – Chief of Staff of the Head of Public Security Sector
- Major Golub Gačević – Deputy Chief of Staff of the Head of Public Security Sector
- Operational Centre:
 - Colonel Dragan Živaljević – Chief of Operational Centre
 - Lieutenant-Colonel Živojin Đorđević – Deputy Chief of Operational Centre

3) Criminal Investigation Directorate:

- Colonel Mile Novaković – Head of CID
- Colonel Vojislav Jović – Head of Section for the Suppression of General Crime in CID
- Miloš Oparnica – Head of Bureau for International Police Co-operation (Interpol)

4) (Uniform) Police Directorate:

- Major-General Milorad Simić – Chief of General (Uniform) Police Directorate
- Colonel Miloš Vojnović – Chairman of the Community Policing Working Group, Assistant to the Head of General (Uniform) Police Directorate

5) Organised Crime Directorate:

- Major-General Boro Banjac – Head of Organised Crime Directorate (UBPOK or OCD)

- Colonel Dragan Furdulović – Head of Unit responsible for War Crimes Investigations within OCD
- Lieutenant-Colonel Slobodan Borisavljević – Assistant to the Head of OCD

6) Analytics Directorate:

- Lieutenant-Colonel Miloš Nedeljković – Head of Analytics Directorate
- Senior Advisor Tanja Vasić – Head of Analytics Department within Analytics Directorate

7) Human Resources and Education:

- Prof. Dr Predrag Ilić – Assistant Minister of Interior in charge of education
- Lieutenant-Colonel Snežana Novović – Assistant to Predrag Ilić
- Ružica Bajčetić – former Assistant for Personnel Issues to the Head of Directorate for Common Affairs
- Major Goran Popović – Assistant for Personnel Issues to the Head of Directorate for Common Affairs

8) Border Police Directorate:

- Lieutenant-Colonel Siniša Grbić – Head of Border Police Directorate
- Senior Sergeant-Major Tatjana Kljun – Co-ordinator for International Co-operation

9) Special Operations Units:

- Gendarmerie: Major-General Goran Radosavljević – Commander of Gendarmerie
- Special Anti-terrorist Unit:
 - Lieutenant-Colonel Milan Glišović – Commander of SAJ
 - Senior Sergeant-Major Željko Mojsilović – Head of SAJ Intelligence Section

10) Head of SUPs and OUPs:

- SUP Belgrade – Major-General Milan Obradović
- SUP Novi Sad – Colonel Miladin Kostrešević
- SUP Novi Pazar – Lieutenant Suad Bulić and Heads of OUPs in Tutin and Sjenica
- SUP Vranje – Colonel Ljubomir Aleksić
- OUP Preševo:
 - Second Lieutenant Avdija Bajrami – Commander
 - Senior Sergeant-Major Goran Savić – Deputy Commander
- OUP Bujanovac – Major Dragan Veličković

- SUP Leskovac – Captain Zoran Stojanović
- OUP Medveđa – Lieutenant Zoran Anđelić
- SUP Pirot – Lieutenant-Colonel Dragan Dimitrijević

State and Municipal Officials

- Mića Milićević, Miloš Todorović – Director of BIA
- Đorđe Ostojić – Public Prosecutor (Republican)
- Dragan Šutanovac MP (DS) – Chairman of the National Assembly Committee for Security and Defence
- Dragan Lazić MP (DSS) – Member of the National Assembly Committee for Security and Defence
- Petar Ilić – Chairman, and the rest of the Committee for Defence and Security in the Assembly of the Province of Vojvodina
- Miodrag Pavlović – Assistant Minister, Ministry of Finance
- Novi Pazar:
 - Bajro Omaragić (SDA) – Spokesperson of Novi Pazar Municipal Government
 - Dejan Milićević (DS) – Member of the Executive Board in the Municipal Government
 - Munir Poturak and Resad Hodžić (SDP)
- Milisav Mića Marković – Member of the Serbian Government’s Co-ordination Body for South Serbia
- Nagip Arifi – Mayor of Bujanovac
- Riza Halimi – Mayor of Preševo
- Slobodan Drašković – Mayor of Medveđa

Civil Society

- Belgrade Centre for Human Rights
- Humanitarian Law Centre
- Centre for Civil-Military Relations
- LEX (League of Experts-think thank)
- Forum Iuris
- Sandžak Committee for Human Rights
- Helsinki Committee of Sandžak
- Committee for Protection of Human Rights of Serbs in Raška Region
- Human Rights Council of Bujanovac

- Centre for Progress of Roma – Bujanovac

OSCE

- Head of LED
- Heads of LED Units
- Head of the Strategic Police Matters Unit – Vienna

International Organisations

- UN High Commission for Human Rights (UNHCHR)
- Council of Europe (COE)
- Danish Institute for Human Rights (DIHR)
- International Crisis Group (ICG)
- European Agency for Reconstruction (EAR)

Annex IV – Total Number of Personnel in the Ministry of Interior HQ in 2002.

Organisational Unit	Number of personnel
Criminal Investigation Directorate	100
Police Directorate (Uniform Police)	103
VIP Security Directorate	1,246
Traffic Police Directorate	27
Operational Centre	31
Border Police Directorate	1,537
Fire-Fighting Police Directorate	25
Analytics Directorate	52
IT Directorate	122
Telecommunications Directorate	99
Administration Directorate	487
Board and Lodging Directorate	1,151
Internal Control Directorate	1
Organised Crime Directorate	252
Unit for Legal Matters	6
Special Anti-terrorist Unit	146
Helicopter Unit	72
Gendarmerie	2,271
TOTAL	7,728

The number of women police officers in the Ministry is **931**; in the year 2002, **752** women were recruited, according to the plan.





Law Enforcement Department
OSCE Mission to Serbia and Montenegro