



HOW TO ENHANCE POLICE INTEGRITY IN MONTENEGRO?

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SUMMARY

Notwithstanding that compared to the previous period some important steps have been made recently, such as the adoption of the Integrity Plan of the Ministry of Interior and slightly more active work of the Internal Control of the Police, Ethics Committee, and Disciplinary Commission, further efforts are needed. The Government of Montenegro and other relevant authorities did not make comprehensive analyses on all the aspects of corruptive behaviours in the Police, nor did they design measures to treat all forms and risks of potential compromised integrity of police officers in Montenegro.

The measures envisaged in several national strategic documents and the accompanying action plans are for the most part already embedded in the regular work obligations of existing bodies. The measures also fail to address altogether the necessity of establishing a more ambitious system for promoting integrity among police officers.

In addition, there are no analyses that would offer an insight into the working conditions of police officers, issues of their recruitment and promotion, earnings, disadvantages in training, risky behaviour, physical and psychological health, work motivation and satisfaction, unlawful political engagement, measures to improve financial management at the Ministry of Internal Affairs and the Police Administration, etc.

In order to overcome this situation and compensate for the lack of a thorough analysis of the state of play in the police, a new and comprehensive strategy should be designed that would include all the neglected issues and propose concrete measures with responsibilities clearly spelled out.

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INTRODUCTION

Police corruption is an international problem. Historically speaking, police misconduct has been a factor in the development of police institutions worldwide, but it is a particular problem in countries affected by war or war surroundings. That is also the case in Montenegro, where the political system transition in the 1990s has led to the *establishment of close links between police officers and organised crime groups*,¹ high level of politicisation of the Police, and a decline in professional standards. One security expert goes as far as saying that the mafia has always collaborated with the local police, either openly or in secret.²

When Montenegro was still part of the post-1992 rump-Yugoslavia, it was the Montenegrin police force that served as the Podgorica government's muscle. Its ranks increased from 5.000 in 1997 to 18.000 in 2000, while the Army of Montenegro, as part of the Yugoslav Army, was under Belgrade's influence. This situation has had a negative impact on the professional standards of police conduct, among other things due to the lack of proper police education of newcomers. Today, with a little more than 4.000 police officers, it still has the greatest number of police officers per capita in Europe.³

At the same time, the Police Administration (PA) is one of the key authorities responsible for performing the most challenging task of Montenegro's European and Euro-Atlantic integration efforts, which is to establish rule of law in the country. But this can only be done if the PA makes progress in combating corruption within its own ranks and if it strengthens the system for the promotion of integrity and professional standards.

The remedies for the lack of integrity and professional standards in police behaviour suggested in this paper depend on a set of contextual conditions, including political, cultural, and economic ones. The paper offers an analysis of the existing police integrity framework set by the Government and measures taken by relevant institutions, primarily the Ministry of the Interior and the PA, used to encourage and reward professional conduct by the police officers as well as to sanction misconduct.

This paper's objective is to contribute to improving the functioning of the Police force in Montenegro by assessing the Government's activities in enhancing police integrity and by proposing a new strategic approach. It also promotes the creation of a comprehensive system for minimising the possibilities for corruption and all other forms of misconduct by the police officers.

BACKGROUND – INDICATORS OF POLICE INTEGRITY ISSUES IN MONTENEGRO

Public opinion perspective

A public opinion survey on the perception of police integrity in Montenegro published by the Institute Alternative in July 2015 revealed some worrying facts and highlighted some public opinion paradoxes.⁴ It showed that the citizens of Montenegro have a relatively high confidence in the police, 58 percent. This makes the Police the second most trusted state authority, just behind educational institutions. However, at the same time, 56 percent of citizens believe that corruption is widespread in the police.

1 Public statement of Member of the Parliament of Montenegro, Nebojša Medojević, for Independent Daily Vijesti, available at: <http://www.vijesti.me/vijesti/medojevic-sumnjamo-da-je-neko-anb-ili-policije-rekao-kalicu-da-bjezi-clanak-30859>

2 Organised Crime in the Western Balkan, HUMSEC Journal, Issue 1, available at: http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Journal/Stojarova_Organized_Crime_in_the_Western_Balkans.pdf

3 Government-published document "Comparative analysis of employment in the public sector" states that Montenegro has by far the highest number of police officers, 808 per 100,000 citizens, compared to the EU average of 300.

4 The survey, for the purposes of our POINTPULSE network, was conducted by Ipsos Strategic Marketing. All the findings are available at: <http://institut-alternativa.org/rezultati-istrazivanja-stavova-gradana-o-odgovornosti-policije-u-crnoj-gori-i-regionu/>

When it comes to citizens' perception regarding whose interest the Police Administration protects, only one third of the citizens said they believed that the police acted the way it should, i.e. in the service of the citizens. All the remaining respondents said that they thought the police acted either in the Government's interest or to cover for and protect the political parties. Eleven percent were of the opinion that the police acted chiefly to protect the people at the top of the Police Administration.

A large majority of citizens, 70 percent, believe that politics has an impact on the operational work of the police, completely or excessively, while the remaining 27 percent felt it had less or no impact. What is particularly worrying and is likely the cause of long-term serious consequences for the quality of police work is the issue of recruitment. Only one third of the respondents believe that employment is conducted in accordance with the law – i.e. through open competition. As many as 48 percent of the respondents said that recruitment is conducted primarily through nepotism, i.e. with the help of friends and relatives, or through political connections (41 percent), etc.

However, not all is glum. Montenegrin police scored high when it comes to the effectiveness of public safety in general (72 percent of citizens consider police work effective in this respect), as well as school safety, traffic safety, and protection of life and property of citizens. However, citizens consider the police inefficient when it comes to combating corruption in general (68 percent), catching the perpetrators of economic and organised crime, and combating corruption within its own ranks.

Persistent lack of results in the area of fight against corruption and organised crime

International reports on Montenegro continue to highlight the lack of results in the area of high-level corruption and organised crime in Montenegro.⁵ Despite calls for a more efficient prosecution of corruption and organised crime cases, there have been only a few new indictments since July 2014. At the same time, the newly elected Supreme State Prosecutor expressed his dissatisfaction with the generally excessive length of the pre-trial phase for the cases in the aforementioned categories. Institutions in charge of prosecuting these crimes have for a number of years been demonstrating inertia and patent lack of ability to handle difficult tasks set before them. A good example of this is the so-called Telekom Affair, an alleged instance of high-level corruption during the privatisation of the national telecommunication company in 2005, which the Prosecution and Police have been investigating for nine years now without any results.

In stark contrast, Montenegrin media have been very active in publishing information and launching accusations, often backed by solid evidence, that certain corruption acts have been committed. They have also pointed out potential linkages between public officials and organised crime groups. Other actors, such as individuals, NGOs, political parties, and public officials have also on a number of occasions publicly urged relevant institutions to investigate the alleged corruption cases. However, these appeals and media reports, although often very persuasive, well-grounded, and backed by data, are being ignored by the authorities.

Furthermore, the *Serious and Organised Crime Threat Assessment SOCTA 2014* states that organised and serious crime in Montenegro encompasses a large variety of criminal activities such as drug and weapons trafficking, illegal migrations and smuggling of persons, economic and criminal activity including cigarette smuggling/excise goods, counterfeit money and payment cards, murder, robbery, and grand theft auto. In 2014, the Police have recorded activity of 234 "loan sharks," 37 of which have been identified as being members of organised criminal groups. However, only three criminal charges have been filed. To date, there has not been a single court ruling for high-level corruption and there are 43 unsolved murder cases pending.⁶

5 In October 2014, the European Commission recalled the existence of the 'overall balance' clause of the negotiating framework as a warning and reminder of its expectations regarding the fight against corruption and organised crime, pointing out once again the lack of results and track record in this field. In July 2014, the US Department of State noted in its Montenegro Human Rights Report that 'pervasive corruption and weak controls over conflicts of interest in all branches of the government represented the country's most serious human rights problem.' These are the last official Report of the European Commission and US DoS on Montenegro.

6 Data published after the control hearing in the Parliament, full media article available at: <http://www.vijesti.me/vijesti/od-234-zelenasa-samo-tri-prijave-813934>

WHAT ARE THE STANDARDS OF AN IDEAL POLICE INTEGRITY SYSTEM?

Corruption in the Police can be tackled by preventive and repressive measures. For the successful model of combating corruption in the police, coordination and integration of repressive and preventive components of anti-corruption policies and institutionalised partnership between key strategic partners are considered key features.

Preventive measures recommended as best practice include: on macro-,⁷ medium and micro-level: good human resources management (regulated and merit-based system of recruitment, promotion, training, salaries, etc...), professional management and good leadership of constructed integrity, regular rotations and strictly governed policy of gifts, clear procedures of action, control of the use of official records and vehicles, Codes of Ethics, openness to the public, awareness-raising and campaigns for cooperation with citizens, trainings on integrity, and integrity tests.

Repressive, punitive, and supervisory measures that are recommended as best practice include: finding and prosecuting corruption (especially among senior police officers), establishing a system allowing for finding and prosecution (legislative powers for investigative bodies, establishment of separate units, technical equipment, and training), good coordination between all specialised oversight bodies (special investigative techniques and tactics); establishment of an effective system of internal control and external oversight of police work (e.g. parliamentary and civic oversight), an effective mechanism for filing complaints against the police, protection of whistle-blowers, protection of witnesses, and expert investigators.

Additionally, some of the most common circumstances causing increased vulnerability and resulting in unlawful behaviour of the police identified in the study on corruption in the police should be taken into account:

- Personal vulnerability (drug debts, troubled social relations),
- Dissatisfaction and poor performance at work;
- Insufficient or inadequate supervision;
- Earlier misdemeanour and/or criminal experience;
- Life and/or work in the same environment with criminal groups;
- Social and/or family ties to criminal groups outside the workplace.

WHAT THE MONTENEGRIN GOVERNMENT HAS DONE TO ENHANCE POLICE INTEGRITY – STRATEGIC FRAMEWORKS

At least four parallel documents – but is none good enough?

Analysis of the strategic framework in Montenegro in this area, including various measures from action plans and other documents, indicates that the Government, the Ministry of the Interior, and the Police Administration are yet to analyse thoroughly the factors influencing the reduction of integrity in the police, i.e. to investigate all forms of corrupt behaviour among police officers (see Annex 1). What is particularly noticeable is the lack of proper response, coupled with low number of measures undertaken against Montenegrin police officers for inadequate behaviour.

⁷ Democratic political climate, freedom of the press and speech, and ratification of international conventions, etc.

In December 2010, the first *Strategy for Development and Functioning of the Police*⁸ was adopted, followed by an Action Plan⁹ targeting key thematic areas for reform. One of these areas was entitled *strengthening the structural integrity of the police*, with five general measures proposed but no indicators for its implementation.¹⁰ By 2015, ten measures from the Action Plan have not been implemented at all, and hence the Government has in January 2015 extended the deadline for the implementation of the Action Plan by the end of 2015¹¹ and tasked the Ministry of the Interior to prepare the new Strategy for Development of Internal Affairs 2016 – 2020 and the Action Plan for 2016.¹²

Since the UNODC report entitled "Corruption in Montenegro – Bribery as experienced by the population" has recognised police work as potentially vulnerable to corruption, The Action Plan for the Implementation of the *Strategy for the Fight against Corruption and Organised Crime 2013 – 2014* introduced, for the first time ever, special measures for the prevention of corruption in the police.¹³ These nine measures are listed and analysed below (table 1).

In the meantime, the negotiation process between Montenegro and the European Union has been officially launched,¹⁴ and hence the strategic framework for numerous issues related to the reform of police work is increasingly shifting towards the level of the negotiating structure. Rule of law issues are being operationalized within the framework of the Action Plan for Chapter 23: Judiciary and fundamental rights and the Action Plan for Chapter 24: Justice, Freedom, and Security adopted in June 2013.¹⁵ All the stakeholders, international community, and the Montenegrin public are now putting implementation in the spotlight.

Regrettably, when it comes to police integrity issues, the Action Plan for Chapter 23 only **copied four measures** from the Action Plan for the Strategy for Fight against Corruption and Organised Crime and failed to add any new measures:

(2.1.7.15.) *Conduct Internal control at the Ministry of Interior and Police Administration*

(2.1.7.16.) *Investigate charges for corruptions at the Ministry of Interior and Police Administration*

(2.1.7.17.) *Implement measures to prevent corruption at high level at the Ministry of Interior and Police Administration (with indicator: Report on statistics for high-ranked police officers cases).*

(2.1.7.18.) *Conduct permanent campaigns on the manner of reporting corruption and the measures for the protection of citizens who report corruption.*

Not only is this insufficient, but also none of these four measures are introducing any new practices or giving new perspective or vision on how to improve police integrity in Montenegro. They merely list the regular repressive (investigating) activities of the police, which are obligatory.¹⁶

Implementation of the measures from the AP for the Strategy for Fight against Corruption and OC

Although this Action Plan is still under implementation, only one of the measures has had a substantial impact on improving the integrity of the police force and only one measure has introduced a novel practice in relation to ongoing activities, measure 155. This measure introduces the obligation for the heads of police departments to report assets, overseen by the Internal Control. This has led to a launch of several criminal proceedings against police officers. All other measures are either too broad, and/or fail to proposing solutions and to highlight problematic conduct, and/or fail to minimise prospects for it.

8 For the period 2011 – 2013.

9 Adopted in March 2011.

10 Some of the measures: to continue the process of police professionalisation; to provide physical and technical equipment for the police in accordance with EU standards; etc.

11 Available at: http://www.gov.me/sjednice_vlade/101 - item 12, 26 February 2015.

12 Available at: http://www.gov.me/sjednice_vlade/96 - item 13, 15 January 2015.

13 Adopted in May 2013. Available at: http://antikorupcija.me/en/index.php?option=com_phocadownload&view=category&id=7:&Itemid=91

14 In June 2012.

15 The Chapters have been officially opened in December 2013.

16 The fourth measure is commented on below.

An additional problem with these measures is that they fail to recognise any institution-specific features of the Montenegrin police. They also do not treat the specifics that lead to corruption in the Montenegrin police, nor specific forms of abuse such as deliberate loss or misplacement of evidence, abuse of public procurement practices, harmful contracts, nepotism, blackmail and intimidation, racketeering, illegal wiretapping, delaying the pre-trial proceedings, etc.

Table 1: Nine measures from the Action Plan for the implementation of the strategy for prevention of corruption in the police

<i>Measures:</i>		<i>Author's Comments/Assessment:</i>
1.	154. Adopt the Law on Amendments of the Law on Border Control and secondary legislation for the implementation of the Law	<i>The law does not spell out any specific measures that have led to reduced risks of corruption in the Border Police Department.</i>
2.	155. Adopt the Law on Amendments of the Law on Internal Affairs, which will foreseen obligation of reporting on property for civil servants at managing positions	<i>Implemented.</i>
3.	156. Develop the plan for equipment necessary for the improvement of the work of the Crime Police Sector	<i>General measure concerning regular work of the Crime Police Sector.</i>
4.	157. Conduct basic and specialist trainings for fighting corruption	<i>General measure, not focusing on problems in prosecution of police officers.</i>
5.	158. Conduct specialist training sessions for the carrying out of investigations in the area of money laundering	<i>General measure.</i>
6.	159. Conduct internal control of the work of Police Administration	<i>It is unnecessary to prescribe a measure that compels the body for internal control to carry out the actions that are within its remit. The bodies are being established for performing certain functions and their encouragement to do their job should not be part of the national strategic documents.</i>
7.	160. Investigate charges for corruptions in Ministry of Interior and Police Administration	<i>Same as in the previous measure, this is a regular police work and reporting on it and the measure itself or its indicators does not suggest how to bring improvements if there are problems in the investigation of corruption reports.</i>
8.	161. Implement measures for prevention of corruption at high level in Ministry of Interior and Police Administration	<i>General measure for statistical reporting on the implementation of the law.</i>
9.	162. Conduct permanent campaigns on the manner of reporting corruption and the measures for the protection of citizens who report corruption.	<i>According to the Report on AP implementation, the realisation of this measure consists of conducting the "Not a cent for bribe" campaign. However, this was a general national awareness-raising campaign launched by The Directorate for the Anti-Corruption Initiative, which does not refer exclusively to the activities of the Ministry of the Interior nor the Police. There was no specific call for reporting corruption practices in the police.</i>

The fourth document – the Integrity Plan, mapping positions

In February 2014, the Minister of the Interior passed the Ministry's Integrity Plan.¹⁷ The Integrity Plan is an internal anti-corruption document, which contains an analysis of the potential forms of corrupt behaviour within the Ministry of the Interior and the Police Administration *in specific workplaces*. It entails a self-assessment of employee exposure to various risks and each position in the police has received a risk assessment for corruption, multiplying the impact and probability, with scores from 1 to 10.

¹⁷ The obligation to adopt the Plan of Integrity is set forth in Article 68 of the Law on Civil Servants and refers to all state bodies.

This document has gone the farthest in its risk analysis and description of possible abuses. However, it contains a number of shortcomings:

- There are no reports available on the implementation of the measures;
- Numerous risks for corruption have not been treated nor all forms of corrupt behaviour taken into account. Only those threats arising from the nature of the workplace and competences of specific positions have been highlighted (e.g. the political engagement of police officers prohibited by the Law on Internal Affairs has not been mentioned because it is not tied with a specific workplace, but is nonetheless a widespread practice in Montenegro);
- Certain measures have not been fulfilled¹⁸ (for example, the obligation of the heads of departments to prescribe and develop their own criteria for an objective work assessment);
- Another problem is that many measures cannot be implemented automatically at the level of individual positions, but must be requested from a higher level. Good examples of this are the instruction for rotation or for printing the Code of Ethics, which means that there is no clear responsibility for implementation of each of the measures nor implementation depends on the officers on whose position they are prescribed.
- The deadline for all measures was Q2 of 2014. The Integrity Plan has not been adapted or revised since then.
- Only one person, the integrity manager, was appointed to monitor the implementation of the Plan, which includes at least four to five measures for each of around 4,000 jobs.

Police officials have pointed out that “mostly the measures referring to trainings and education are being carried out, with the donor support, while others are being neglected.”¹⁹ Essentially, it remains unclear how this mechanism could be implemented at all in practice unless it stipulated clearly the responsibilities for each action, which currently is not the case.

POLICE OVERSIGHT – LACK OF IMPACT – ARE HEADS OF POLICE UNTOUCHABLE?

Formally, over the past few years, a complete oversight system over the Police was developed, including internal and external controls: parliamentary oversight by two Committees,²⁰ civic control, specialised independent institutions oversight (Ombudsman, Agency for Personal Data Protection, Commission for Public Procurement, State Audit Institution), as well as disciplinary and ethical responsibility within the Ministry of the Interior. However, oversight practice is still not at a satisfactory level.

What is most striking is the lack of oversight bodies’ influence in those cases when they do react. In many cases, even when they have detected abuses, the competent judicial authorities were not making any progress with the cases, especially when they had been related to high-ranking police officers, thus showing the law is not equal for all.²¹ This might also have serious repercussions on the morale of other police officers, having in mind that the number of various sorts of cases against low-ranking police officers has slowly been growing over the past few years. (See Annex 2).

Below are a few examples of potential severe misuses of police finances by high-ranking police officials.

¹⁸ The answer to the question obtained in focus groups with representatives of the Ministry of the Interior and the Police, held on 18 September 2015.

¹⁹ Interview with representative of the Police, held in September 2015.

²⁰ Security and Defence Committee and Anti-Corruption Committee.

²¹ Examples confirming this are described below.

CASE STUDY 1 - SELLING AND THEN BUYING THE "ZLATICA" CAMP BACK FOR DOUBLE THE PRICE

In 2006, the Government of Montenegro sold some state shares including the camp "Zlatica" for EUR 4.76 million to the Podgorica-based "Normal Company." The Police Administration bought it back in 2011, for EUR 8.34 million, thus causing damage to the state budget of Montenegro.²² The contract was signed by the former Police director Veselin Veljovic²³ on behalf of the Police Authority.

In December 2013, the Anti-Corruption Committee held a control hearing of the Minister of the Interior Rasko Konjevic and former Prime Minister Igor Luksic²⁴ on this issue. The MPs and ministers agreed that this issue must be thoroughly investigated and that it was a case for the prosecution. Four years after the conclusion of the contract and two years after the launch of the investigation, no charges have been brought.

CASE STUDY 2 - CONSTRUCTION OF THE SECURITY CENTRE BUILDING IN PODGORICA

Another case of suspicious financial management by the Police Administration is the construction of the Security Centre building in Podgorica. This contract, worth EUR 13 million, was concluded with the "Celebic" construction company as a contractor, without prior announcement of a public tender, which is an explicit legal requirement. Furthermore, the Police inflicted damage to the state budget by attempting to use the so-called Limenka Building as compensation in a separate Agreement with the same company.

Eventually, the decision of the High Court was that The Police Administration's subsequent breach of the terms of the sales contract has cost the state budget additional EUR 12 million, which were to be paid to Aco Djukanovic, brother of Montenegro's Prime Minister Milo Djukanovic, who bought the Limenka Building from "Celebic."

It has not yet been determined who from the Police Administration is accountable for these activities and for the burden caused on the state budget. Regarding this issue, the Committee on Anti-Corruption held a control hearing on 23 February 2015. Government and opposition parties in the Committee reached the conclusion that the Chief State Prosecutor's Office should obtain all the relevant documentation on this case and inform the Committee within 60 days about the actions undertaken.²⁵ However, there have been no indictments issued or other any information on the matter.

CASE STUDY 3 - PURCHASE OF WHAT TURNED OUT TO BE FREE SOFTWARE FOR THE POLICE ADMINISTRATION FROM THE "PGS AGENCY"

In late 2012, the Internal Control of the Ministry of the Interior has submitted the documentation pertaining to five disputed contracts on business-technical cooperation between the Police Administration and the "PGS Agency," worth around EUR 675,000, to the Special Prosecutor for Organised Crime and Corruption.²⁶ One of the disputed contracts was for the provision of "intellectual services" of information system design, equipment procurement, installation software, and even trainings for police officers. After investigating the disputed contracts, inspectors of the Ministry of the Interior came to suspect that the "PGS Agency" has been selling software systems previously

22 The Zlatica Camp under the scrutiny of prosecutors again, CDM News Portal, 18 September 2015, media article available at: <http://www.cdm.me/drustvo/hronika/kamp-zlatica-opet-pod-lupom-tuzilastva>

23 Currently on the position of member of the Bureau for the operational coordination of activities of the intelligence security sector and the Secretary of the Council for National Security.

24 Currently on the position of Minister of Foreign Affairs and European Integration.

25 Official Minutes from the session available at: <http://skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/965/2613-.pdf>

26 Veljovic contracts never get there, 27 April 2015, Daily Vijesti. Available at: <http://www.vijesti.me/vijesti/veljovicevi-ugovori-nikako-da-stignu-830881>

downloaded for free from the Internet to the Police Administration during their three-year long cooperation, all the time submitting regular invoices for payment of "intellectual services" to the top officials of the Police Administration.

In April 2014, The Prosecutor's Office submitted the complete documentation to the Police Administration with the order to carry out an on-the-spot comparison of the documents with the software installed on the computer units at the Police Administration and determine whether the contracted services have indeed been performed.²⁷ There have been neither indictments nor any other information clarifying this case.

THE SURROUNDINGS – A FEW MORE ISSUES AFFECTING POLICE INTEGRITY

Serious attacks on the Police

The climate in which the police officers have been working over the past few decades has not been friendly. The number of serious attacks on police officers that had been charged, without taking into account misdemeanours, offences, minor infringements, and burnings on police vehicles, over the last few years is worrying.

From 2011 until 2015, 111 such attacks took place in Niksic, 66 in Podgorica, and 31 in Budva.²⁸ Furthermore, IA has learned from police officers that in almost 80 percent of the cases the attackers were sentenced by the courts to sentences below the legal minimum, which is three months' imprisonment,²⁹ causing enormous dissatisfaction within the police.

Furthermore, the past ten years have been marked by the trial for the murder of a prominent police inspector for organised crime. Namely, senior Police official Slavoljub Scekcic was killed on 30 August 2005, with 20 shots to his back. Only six months after the murder, the Police and the Prosecutor's Office arrested the suspects and reported that the case had been fully solved. However, after ten years and four trials, there is still no final judgment for the persons charged for this case. Three verdicts, which have found the accused guilty and brought sentences for the maximum term of imprisonment, have been overturned. The Appellate Court overturned two of them, while the Supreme Court overturned the third one, which passed the control of the Appellate Court, due to numerous irregularities found in the proceeding of the lower-level courts. During the proceedings, the judges who had been leading the proceedings were dismissed. There were a number of typographical errors in the verdicts, which have then been overturned for that reason, the evidence appeared to be "missing" all of a sudden, interrogated persons changed their statements, etc.

Due to all these irregularities and countless other, there have been speculations that the ruling structures and organised crime structures have been obstructing justice. In April 2013, more than 6,000 citizens filed a petition to have the Police Academy named after Slavoljub Scekcic, but the Government has refused the initiative.³⁰

Community values

On the other hand, the citizens of Montenegro sometimes react in unexpected ways to the cases of organised crime. For example, after drug-lord Darko Saric, now sentenced to 20-year imprisonment, was originally arrested in Serbia, the citizens of the city where he was born, Pljevlja,³¹ staged a pro-

²⁷ Ibidem.

²⁸ Information obtained by Institute Alternative via free access to information.

²⁹ The official court statistics are not available due to anonymised judicial decisions.

³⁰ Press release from the Cabinet meeting:

<http://www.gov.me/vijesti/130965/Saopstenje-sa-sjednice-Vlade-Crne-Gore.html>

³¹ Located in the North of Montenegro.

test, claiming that he and his investments were beneficial for the development of the country and the employment of citizens.

Police officers in Montenegro – not so popular!

A public survey IA has conducted shows that the attitudes of Montenegrin citizens towards the Police officers vary significantly. In responding to the question on how they see the average police officer in Montenegro, citizens have responded that they see them as "Arrogant, insolent, and brash" (23%), "Instilling safety and security" (12%), "Undereducated" (12%), "Educated, polite, decent" (12%), "Corrupt" (11%).³²

These findings may highlight that the Police Authority, the Ministry of the Interior, and the Government need to do more regarding the promotion of their activities and the promotion of exemplary police officers in order to achieve two goals: more respect from the society, which might in turn lead to higher level of professional behaviour in the Police, and to make the police work more attractive to the best skilled candidates in the future.

CONCLUSIONS AND RECOMMENDATIONS:

Under the pressure from the EU negotiations and from other international organisations, as well as domestic public opinion, issues related to corruption are represented almost daily in Montenegro's public sphere. In response to that, the Government is adopting many documents, establishing various institutions, and introducing numerous anti-corruption mechanisms. However, when it comes to the Police, there has not been a thorough approach to creating measures that would treat concrete problems. Not one of the Government's documents analyses the specific Montenegrin context, the activities of police officers, conditions they work in, and the affairs they have been involved in.

Although the Integrity Plan has gone farthest in terms of risk analysis, it still remains essentially a mechanism for self-assessment, and for this reason it does not cover a significant number of risks and various forms of corrupt behaviour. Put simply, this mechanism cannot be a substitute for a comprehensive strategy for improvement of integrity in the police.

Therefore, a new strategy for a better functioning of the police would have to include an analysis of issues such as the following: street corruption and coercion by the police, corruption in the administrative processes, criminal activities of the police officers and political corruption of the police in Montenegro, and risks and circumstances leading to unprofessional conduct.

The Ministry of the Interior should also develop strategic measures on how to encourage citizens to report corruption of the police officers, as well as to protect whistle-blowers within the Police.

The Ministry should introduce a special annual report on the state of integrity in the police, which would include a qualitative analysis of all the cases that were initiated by oversight bodies (Ethics Committee, Disciplinary Commission, parliamentary committees, Internal Control, Council for Civic Control, etc., since their cases are interlinked), analysis of police officers work environment, and it should regularly provide recommendations for improvement. Special attention in the reporting must be devoted to the cases of high-ranking police officers with the view to preventing the investigations been swept under the rug.

Additionally, it is necessary to analyse how to improve all forms of police oversight and prescribe specific rather than general measures for improvement, analyse problems in recruitment and promotion in the police, financial management, gaps in training and education.

³² Multiple answers were allowed.

More should be done regarding the protection of police officers. Judiciary should pay more attention to the unsatisfactory judicial practices and performance when it comes to attacks on police officers who perform official duties. Finally, more attention should be devoted to the promotion of best police officers in order to gain society's support.

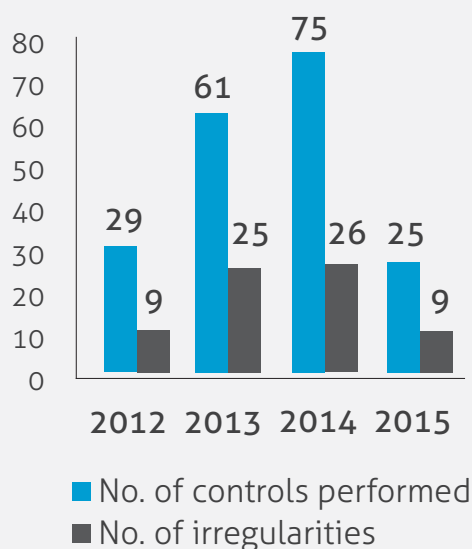
ANNEX 1. CORRUPT POLICE BEHAVIOR

Corruption in the police can be divided into several **groups and associated risks**:³³

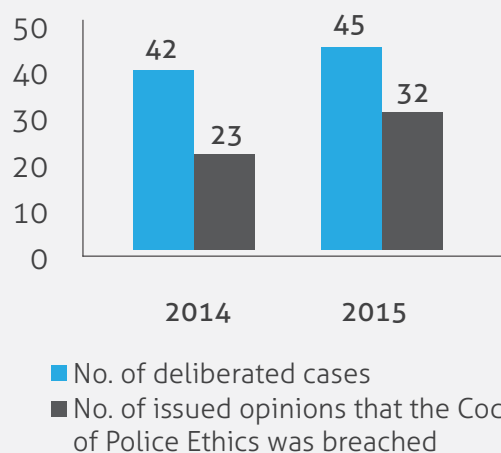
<p style="text-align: center;">I. Street corruption and extortion</p> <p>The first level of police corruption is a daily relationship with the citizens wherein policemen use their power (broad powers, the means of coercion, discretion...) to obtain money or favours from citizens in exchange for not reporting the illegal activity or accelerating certain administrative procedures. This kind of police misconduct can lead to extortion in order to achieve some benefit. Some of the most common forms of this type of corruption are:</p> <ul style="list-style-type: none"> • Minor bribes from ordinary civilians (traffic police in particular) • Gifts and free services, free food and drink... • "Losing" court dockets, evidence, etc. • Theft while searching • Keeping seized contraband • Use of police resources for personal matters (police vehicles etc.) • Deliberate omissions in border control 	<p style="text-align: center;">II. Bureaucratic Corruption</p> <p>This type of corruption is related to the misuse of internal procedures and administrative processes. Senior police officers are particularly exposed to this form of corruption. There are many internal processes that can be subject to abuse. Also, police system is large, with considerable assets and a high number of employees, which opens up many possibilities for misuse. Some of the most common forms of this type of corruption are:</p> <ul style="list-style-type: none"> • Fraud in public procurement procedures and harmful contracts • Theft of assets and police resources • "Losing" court dockets, criminal records, evidence, etc. • Selling information contained in criminal files • Irregular and unlawful issuing of gun licenses and other permits • Bribes and kickbacks required for recruitment, graduation from training, assignments, and promotions • Undermining internal investigations and discipline • Cheating on overtime, travel expenses, use of company cars and mobile phones.
<p style="text-align: center;">III. Criminal Corruption</p> <p>The direct involvement of the police in individual or organised crime and building own criminal organisation is one of the most disturbing forms of corruption because the police turns from the protector into a perpetrator of crime. Some of the most common forms of this type of corruption are:</p> <ul style="list-style-type: none"> • Delivery of classified information from the investigation to the criminal groups • Blackmailing citizens with secret information • Deliberately obstructing investigation • Tolerance and protection of criminal groups' activities in exchange for a fee • Associating with criminal groups • Eliminating the criminal groups in order to assume their activities • Racketeering bars, night clubs, companies • Resale of the goods seized from smugglers 	<p style="text-align: center;">IV. Political Corruption</p> <p>The police can be used by the political groups for their own interests, for control of political opponents and society by illegal methods. Some of the most common forms of this type of corruption are:</p> <ul style="list-style-type: none"> • Initiating false investigations of political opponents • Deliberate obstruction of investigations against politicians in power • Providing confidential information to politicians about the investigations against them or against their political opponents • Intimidation of political opponents • Use of police to control the trade unions and non-governmental organisations • Illegal prevention of protests, strikes • Impact on freedom of the media • Illegally tracking and wiretapping of political opponents • Organisation and protection of political murders.

³³ USAID, "USAID programme brief: anti-corruption and police integrity: Security sector reform program", 2007, U4 – Anti-corruption resource centre – «Anti-corruption and police reform», 2012
INTERPOL, «Global standards to combat corruption in police forces/services»

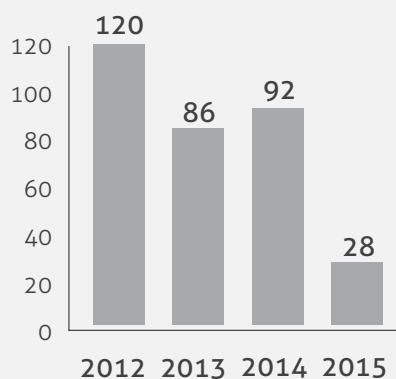
ANEX 2 CASES AGAINST POLICE OFFICERS



Number of irregularities found in relation to the number of controls performed by the **Department of Internal Control**³⁴

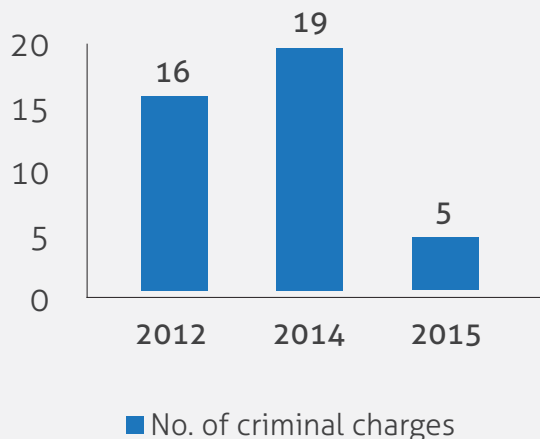


Number of issued opinions that the Code of Police Ethics was breached in relation to the total number of cases deliberated by the **Ethical Committee**³⁵



No. of disciplinary proceedings against Police officers

Number of disciplinary proceedings against Police officers issued by the **Disciplinary Commission**³⁶



Number of criminal charges issued against the Police officers issued by the competent organizational units³⁷

34 Data for 2015 is available for the period January-August

35 Data for 2015 is available for the period January-September

36 Data for 2015 is available for the period January-August

37 Data for 2015 is available for the period January-August

LITERATURE REVIEW:

Action Plan for Chapter 23: Judiciary and Fundamental Rights, June 2013
Action Plan for Chapter 24: Justice, Freedom, and Security, June 2013
"Anti-corruption and police reform," U4–Anti-corruption Resource Centre, 2012
Comparative analysis of employment in the public sector, Government of Montenegro
Corruption in Montenegro – Bribery as experienced by the population, UNODC, 2011
Global standards to combat corruption in police forces/services, INTERPOL
Integrity plan of the Ministry of Interior, February 2014
Official Minutes of Parliamentary Committees' sessions
Organised Crime in the Western Balkan, HUMSEC Journal, Issue1, June 2007
Press releases from the Cabinet meetings
Public opinion survey on perception of citizens on police integrity in Montenegro and in the region, IPSOS Strategic Marketing, June 2015
Responses to free access to information requests sent by Institute alternative
Serious and Organised Crime Threat Assessment, SOCTA, 2014
Strategy for the Development and Functioning of the Police, December 2010
Strategy for the Fight against Corruption and Organised Crime 2013–2014
"USAID program brief: anti-corruption and police integrity: Security sector reform program," USAID, 2007

Interviews and focus group:

Focus group with representatives of the Ministry of the Interior and the Police Administration, held on 18 September 2015

Interview with representatives of the Police Administration, held in September 2015

Media articles:

Zlatica Camp under the scrutiny of prosecutors again, Portal CDM, 18 September 2015, available at: <http://www.cdm.me/drustvo/hronika/kamp-zlatica-opet-pod-lupom-tuzilastva>

Data published after the control hearing in the Parliament, Daily Vijesti, available at: <http://www.vijesti.me/vijesti/od-234-zelenasa-samo-tri-prijave-813934>

Veljovic contracts never get there, Daily Vijesti, 27 April 2015, available at: <http://www.vijesti.me/vijesti/veljovicevi-ugovori-nikako-da-stignu-830881>

Public statement of Member of the Parliament of Montenegro, Nebojša Medojević, Daily Vijesti, available at: <http://www.vijesti.me/vijesti/medojevic-sumnjamo-da-je-neko-anb-ili-policije-rekao-kalicu-da-bjezi-clanak-30859>

ABOUT US:

Institute Alternative (IA) is a non-governmental organization, established in September 2007 by a group of citizens with experience in civil society, public administration and business sector.

Our mission is to contribute to strengthening of democracy and good governance through research and policy analysis as well as monitoring of public institutions performance.

Our objectives are to increase the quality of work, accountability and transparency, efficiency of public institutions and public officials; to encourage open, public, constructive and well-argument discussions on important policy issues; raising public awareness about important policy issues, strengthening the capacity of all sectors in the state and society for the development of public policies.

The values we follow in our work are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.

We function as a think tank or a research centre, focusing on the overarching areas of good governance, transparency and accountability. Our research and advocacy activities are structured within five main programme strands: i) public administration, ii) accountable public finance, iii) security and defence, iv) parliamentary programme and v) social policy.

On the basis of our five programmes, we monitor the process of accession negotiations with the EU, actively participating in working groups for certain chapters. Our flagship project is the Public Policy School, which is organized since 2012.

Managing of the organization is divided between the Assembly and the Managing Board. President of the Managing Board is Stevo Muk. Research Coordinator is Jovana Marović, PhD.

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