‘Holding police accountability theory to account’

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This thesis is submitted as partial fulfilment of the requirements for the award of degree of Doctor of Criminal Justice of the University of Portsmouth
Declaration

I confirm that, except where indicated through the proper use of citations and references, this is my own original work. Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

This dissertation consists of 49,594 words, excluding ancillary data such as footnotes, bibliographies, diagrams and references.

Signed:……………………………………………………………

Date:………………………………………………………………
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List of abbreviations

CJC  Criminal Justice Commission (Queensland, Australia)
ECO  External Citizen Oversight
HMIC  Her Majesty’s Inspectorate of Constabulary
IPCC  Independent Police Complaints Commission
KP  Kosovo Police
MoIA  Ministry of Internal Affairs (Kosovo)
MuP  Ministarstvo unutrašnjih poslova – Ministry of Interior (of the Federal Republic of Yugoslavia)
OMiK  OSCE Mission in Kosovo
OSCE  Organization for Security and Co-operation in Europe
PIK  Police Inspectorate of Kosovo
PISG  Provisional Institutions of Self-Government (of Kosovo)
PSD  Professional Standards Directorate (KP)
PSU  Professional Standards Unit (KP)
SRSG  Special Representative of the Secretary General
UN CivPol  United Nations Civilian Police
UNDP  United Nations Development Programme
UNICP  United Nations International Civilian Police (or ‘CivPol’)
UNMIK  United Nations Mission in Kosovo
Abstract

This study contributes to the contemporary debate about external citizen oversight (ECO) of police by taking up the challenge of assessing the extent to which such oversight agencies or their procedures are associated with lower levels of police misconduct. More specifically, the research consists of a case study of the Police Inspectorate of Kosovo (PIK), an example of ‘holistic’ ECO – i.e. an agency that combines a reactive (complaint investigation) function with a proactive (policy recommendation) function. It is the first such evaluation of police governance and oversight in Kosovo, employing both qualitative and quantitative approaches. Importantly, it adds to a small but growing body of research into the perceptions of police officers about the impact of ECO on police conduct. It triangulates documentary evidence - including legislation, procedures, PIK reports and statistical data – with primary data obtained through a questionnaire survey of junior-ranked police officers and semi-structured interviews with senior-ranked.

The findings reveal that the PIK meets the main criteria of ECO, as indicated in the literature. Although the documentary evidence fails to provide clear indications that PIK activity (or procedures) are associated with improved police conduct, the primary data offers evidence that there might be such a link. A significant proportion of over 500 questionnaire respondents expressed positive views about ECO, albeit also expressing positive views about police investigation of complaints. In conclusion, the study offers evidence of a link between ECO activity and improved policing conduct that warrants further investigation. It confirms the findings of other authors that future research into police perceptions ought to focus on fairness and process.
Chapter One
Purpose and background to the research

1.1 Introduction
The contemporary debate about police accountability centres primarily on two main themes: external oversight agencies and alternative remedies to misconduct, under the broader umbrella question of police governance (or political accountability). In the context of England and Wales the debate about governance had been locked for some time into the language of the tripartite system, shifting weight toward one governance dynamic at the expense of the others (Mawby & Wright, 2005, p. 10), before a fourth accountability dimension arrived with the IPCC. The period leading up to 2012 has been characterized by a transition from the era of New Public Management and the police performance culture demanded by central government (Fleming & McLaughlin, 2010, p. 199; Fletcher & Stensen, 2009, p. 15), to the brave new world of Police and Crime Commissioners and local governance restored and renewed. Yet the crises continue and public trust remains the casualty.

In Britain media voices have sounded concern with the new brand of local governance, pointing out that greater local control in London has been accompanied by politicians (of all persuasions) reducing accountability to collated statistics, and competing in calls to provide the police with “more money, more staff, more powers and more weaponry” (Wood, The Guardian, 2012; Fletcher & Stensen, 2009, p. 13). Another commentator warned that the newly elected commissioners would “blur
further the already complicated lines of accountability in relation to police leadership” (Richards, 2012). So complex has police accountability in the UK become that its many layers have been likened to the London Underground (Markham & Punch, 2007a, p.301). All this occurs against the backdrop of a perennial lack of public enthusiasm for local accountability measures (Docking, 2003, p. 6). Commenting on the election of the first Police and Crime Commissioners, one observer summed up the problem whimsically as a case of the electorate having acquired “a habit of blowing a raspberry in the face of [Government] local democratic innovations” (BBC, 2012a). This governance dilemma is relevant far beyond the shores of Britain: the quandary is about how to interpret and measure public confidence as the key criterion in a debate in which ‘the public’ is becoming an increasingly hollowed out concept in multi-pluralist, consumer societies (Fleming & McLaughlin, 2010, p. 201; Holdaway, 2010, p. 259). Other research points to the complex task of interpreting what people believe the police should do to increase confidence (Stanko & Bradford, 2009, p.328). In a claim that relates to the tripartite regime before the Police and Crime Commissioners, Millen and Stephens (2012, p. 262) state that the tripartite structure of accountability “implicitly denied the place and importance of the citizen” might be more accurately stated as a failure to access the interest of the citizen.

Moving away from the shores of Britain, the debate has centred on the rapid growth of external citizen oversight (ECO) agencies, particularly in North America (De Angelis & Kupchik, 2007, p. 652; Walker, 2006, p. 2) and increasingly in Europe (European Partners Against Corruption, 2011, p. 6). In Australia, a pioneering state in this approach to accountability, policing scholars are calling for a further extension of the concept and the introduction of agencies that will tackle misconduct across the
entire public sector (Prenzler and Faulkner, 2010, p. 258). The growth in external oversight bodies has been characterized by a surprising degree of diversity of structure and methodology (Wells & Schafer, 2007, p. 4), and an equally bewildering absence of research into the efficacy of these expensive tools (Walker, 2006, p.3). The vulnerability caused by this research deficit is made perhaps all the more pronounced by the growing interest in alternative strategies to achieving reduced misconduct and higher standards. These alternative remedies, such as early intervention systems (EIS) (Walker, 2006, p. 2) and local complaint resolution and informal resolution systems (Porter & Prenzler, 2012, pp. 9-10; De Angelis, 2009, p. 229; De Angelis & Kupchik, 2007, p. 656), carry a conviction based on research that has challenged the more expensive and less scientific oversight agency approach.

It is arguable that the convergence of these themes – the governance dilemma and emergence of alternative remedies – present a looming challenge to the conceptual foundations of external oversight bodies, as they spread across the democratic world. Beneath the question of the best structure and methods for ECO agencies lie a host of barely explored or understood issues about the nature and purpose of police governance and accountability. It is vital that the present study places clear markers on these issues as it navigates a path toward increased understanding of the benefits of external citizen oversight of police.

1.2 Forging the question

An effective system of dealing with complaints against the police has come to be recognized as both a benefit to individual complainants and a core component of democratic and accountable policing (Smith, 2010, p. 59). Whilst the police in many
ways guarantee the protection of fundamental freedoms in liberal democracies, they have also shown a potential for abuse of those freedoms (Jones, Newburn & Smith, 1996, p. 187). Whilst there is agreement that the police should be held to account, there is a surprising lack of consensus about how it should be done and to whom the police should be held to account (Adams, 2010, p. 234). Much of the dispute centres upon the inadequate research evidence to support the claims of those who advocate methods and agents that lie entirely beyond the control of the police (Eijkman, 2006, p. 426).

The proposition that the only safe and secure route to police accountability is through a non-police agency might seem intuitively correct and persuasive; yet without firm evidence to support the claim and – perhaps even more importantly – consensus about how accountability is achieved, the matter remains far from resolved. As Alexander and Burgess (1999, cited by Prenzler and Lewis, 2005, p. 77) point out, it is important that oversight agencies are themselves held to account, and can demonstrate that they are effective. Whilst the 2008 National Audit Office (NAO) review of the Independent Police Complaints Commission (IPCC) provided a viable example of how this might be done, it revealed doubts about the efficacy of the IPCC’s proactive recommendations (National Audit Office, 2008, par. 31).

In spite of the inexorable growth of external police oversight agencies in countries across the globe, the argument concerning their efficacy - relative to purely police-centric systems – remains largely unresolved. It is a point readily and regretfully acknowledged by leading proponents of ECO in the literature (Brereton, 2000, p. 123; Luna & Walker, 2000, p. 95; Walker, 2001, p. 94; Buren, 2007, p. 39)
and it has resulted in calls for more research into specific cases. For example, Walker, a key advocate of ECO, has encouraged research that might answer the following question:

“Are external citizen oversight agencies or procedures associated with lower levels of officer misconduct?” (2007, p.21).

The research will seek to critically explore Walker’s (2007, p. 21) question and look at a possible approach to an answer. Civilian oversight of police remains controversial and the focus of heated debate, in terms of its efficacy in tackling police misconduct. During the 1990s and later the debate has become yet more contentious as some researchers (Lewis, 1999; Brereton, 2000; Walker, 2001) have argued in favour of a ‘holistic’ approach to police oversight, inspired by the Criminal Justice Commission in Australia and similar models. The holistic approach combines the traditional ‘reactive’ functions (i.e. tackling cases of individual misconduct) with ‘proactive’ functions designed to promote organisational changes that might reduce individual misconduct. These advocates have gone so far as to suggest that policy review and change - the preferred proactive function - can achieve police reform and, perhaps most importantly, restore public confidence in police organizations that are deemed to be unfit for purpose.

It could be argued that the progressive evolution of ECO, from purely reactive to proactive, reflects the growth of public awareness of police performance issues – particularly in liberal democracies - and its impact on public trust or confidence in the police. There is a strong case for the connection between police performance and
public confidence and trust (Godfrey, 2007, 495). Yet, for most of the people, most of the time in these countries, the police are part of the background fabric of society that is largely taken for granted. Points of personal contact with the police are infrequent and usually perfunctory transactions in the bureaucracy of crime recording (e.g. reporting a theft from a car). Such infrequent contacts rarely generate complaints or anything more than modest emotions, for or against the police. Public perceptions of the police – whether good or bad – are more often formed by or in response to media revelations about more alarming misconduct cases or performance failures, rather than the result of personal interaction. Yet, these media-related responses – like those induced by personal interaction – generate strong perceptions of the police as either trustworthy or not. Public trust or confidence in the police is often shaped by the more spectacular failures and episodes of apparent incompetence that Savage calls ’system failures’ (2007, pp. 33, 36). As Reiner adroitly made the point, people only take an interest in policing “when the wheel comes off” (2000, p. 9).

Confidence in the police is an important ingredient of political stability, whether in the liberal democracies or other societies (Fleming & McLaughlin, 2010, p. 200; Goldsmith, 2005, p.449; Sunshine and Tyler, 2003, p. 516). A deficit of public trust is said to be a common feature in deeply divided, post-conflict and post-authoritarian societies (Goldsmith, 2005, p. 444). The necessity of public trust links to the role and function of police in modern democracies: the police exercise extraordinary and inherently offensive powers over ordinary citizens (Waddington, 1999b, p. 298; Gianakis and Davis, 1998, p. 487). Research has established a link between public trust in the police and police effectiveness and the perceived legitimacy of police actions (Sunshine and Tyler, 2003, p. 522). If the public view the police as legitimate (or trustworthy) then public co-operation with the police is more
likely, thereby enhancing police effectiveness. Public trust, moreover, is linked to the capacity of the police to provide citizens with a sense of security (Goldsmith, 2005, p.449). Some argue that the public belief that agents of criminal justice act appropriately and justly is pervasive, profound and grounds the sense of legitimacy of the police (Tyler 2006, cited by Jackson, 2009, p. 495); moreover, that trust is built at the level of individual interaction and based on relationship, familiarity and experience (Audit Commission, 2003). However, public trust is recognised as a “complicated and demanding concept to get to grips with” (Fleming & McLaughlin, 2010, p. 201). In spite of these difficulties, it is well argued that confidence and legitimacy allow citizens to engage in law-abiding behaviour, cooperate with police initiatives, and more readily accept police tactics (Jackson, 2009, p. 495). Research suggests that procedural justice – fair and respectful treatment of citizens – is associated with trust in the police and viewing the police as legitimate. Legitimacy, in turn, is associated with greater willingness to cooperate with the police and assist in preventing and responding to crime, and greater compliance with the law (Myhill & Beak, 2008, p. 1).

Bovens (2005, p.192) points out that trust and confidence in the police form part of a larger social contract, in which police accountability to the public is not just the hallmark of democratic governance, it is also a *sine qua non* for democratic governance. What is meant by the social contract is an agreement between the governed and the government in a democracy: trust in the police forms an essential part of that agreement. Citizens transfer their sovereignty to political representatives who, in turn delegate most of their powers to the thousands of public servants who use discretionary powers to execute public policies, impose fines, and lock people up (Bovens, 2005, pp. 192-8). There is an implied contract of trust that those powers will
be exercised properly and in compliance with law. Thus, the question of police oversight and its efficacy must be viewed - from the very outset – within the broader context of police governance, and the contingent relationship between public confidence (or trust) in the police and police effectiveness. Whilst complex and not fully understood, formal accountability mechanisms are recognized as having an effect of building or preserving public confidence (Goldsmith, 1991, p. 24; Reiner, 1991, p.221). Where confidence is lost, it can only be restored if the police are answerable for their acts, and act responsively to the concerns of the public at large - two important elements of police accountability (Maguire, 1991, pp.178-9).

1.3 Research aim and objectives
The overall aim of this dissertation is to answer the question of whether external citizen oversight (ECO) agencies or their procedures are associated with lower levels of police misconduct. In other words, the aim is to examine the extent to which there is a causal relationship between the activities of the entities that have the core characteristics of ECO in the literature, and instances of improved police performance and/or lower levels of police misconduct. The overall aim of the research is not approached as a purely academic pursuit, one that is remote and detached from my full-time work. On the contrary the object of the study – the Police Inspectorate of Kosovo – and the question of its actual and potential role in the reduction of police misconduct, lay at the very heart of my work as Programme Manager (Police) with EULEX – the European Union Rule of Law Mission in Kosovo. It is important to identify the exact links between the research objectives and the nature of my past and present employment with police-related development organizations in Kosovo.
The research question is answered by addressing four key objectives that deal with specific aspects of the research. These objectives, whilst distinct from each other, are not pursued in isolation, as the outcome of each objective interlinks and influences subsequent phases of the research strategy. The first objective is to critically examine the broader landscape of police governance in the literature, and the competing dynamics of accountability within the debate. Theories of ECO have evolved within the contentious framework of a much older and largely unresolved discussion about how the police should be governed and by whom. It is an important first step to identify the main issues of this broader debate in order to fully contextualize what follows in the study.

The second objective is to critically evaluate the theories that argue that ECO is a means of improving policing standards and reducing misconduct in the literature. The growing corpus of literature related to police misconduct and, more specifically, the alternative methods of tackling such misconduct will be critically reviewed and analysed, with a view to assessing the main issues in the contemporary debate. This task will include a critical examination of the links between conceptual models of oversight and the evidence to support the claims that are made for them.

The third objective will explore the broader hypothesis that ECO is associated with improved performance and/or reduced misconduct, by critically examining the Police Inspectorate Kosovo (PIK) as a case study, comparing its legal and political framework with the theoretical principles that find consensus in the literature. It will also examine the available secondary evidence to support a link between the PIK and reduced levels of misconduct and/or improved performance among Kosovo Police
employees. In order to extend the PIK case study further, the fourth objective will explore the largely unknown patterns of beliefs, attitudes and perceptions\(^1\) about external oversight (i.e. the PIK) among Kosovo Police officers, and evaluate the implications for improved police performance and reduced misconduct.

**1.4 Significance of the research**

This research represents an important contribution to the wider international literature on external citizen oversight (ECO), and provides important insights into the oversight performance of Kosovo’s Ministry of Internal Affairs, the PIK, and also the quality of police accountability in Kosovo. For these entities the question of the efficacy of ECO is not merely academic: the ability of Kosovo’s Government to ensure a credible system of police accountability has been central to its ‘conditional independence’ (Article 147, *Constitution of the Republic of Kosovo*, 2008), particularly in relation to the fledgling state’s ability to recognise and defend the human rights of all its citizens. Just as the PIK model of oversight exhibits some features advocated in the literature, it has also been troubled by similar doubts about its efficacy. The findings of this study have assisted the process of diagnosing PIK weaknesses and informed the process of developing a more effective system of oversight in Kosovo.

Since joining the police in 1987 my career has moved - by an unusual series of twists and turns – from operational policing, to police training and, finally, to the business of police reform in the former Yugoslavia and the Republic of Albania. Over the course of the years my work came to focus increasingly on the police

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\(^1\) These terms are used in that sense described by Oskamp, & Schultz (2004, p. 9) as a “cognitive component” – i.e. ideas and beliefs one has about an object.
accountability measures, and the potential role of ECO as a means of achieving police reform. At the end of 2005 I was appointed by the OSCE to manage a three-year programme to implement the Police Inspectorate of Kosovo (PIK), an ECO agency that combined a traditional ‘reactive’ approach to oversight with more proactive methods (Police Inspectorate of Kosovo, 2006f). Since completing the PIK project I have worked as a Programme Manager with EULEX – the European Union Rule of Law Mission in Kosovo. My EULEX work involved developing and coordinating the implementation of jointly agreed projects to develop the capacity of the Kosovo Police, in terms of the aims and objectives of EULEX (EULEX, 2009, p. 8 - 9). Two of those principal aims are increased accountability and freedom from political interference (EULEX, 2009, p. 6). In January 2013 I was appointed as ICITAP² advisor for police accountability development to the Ministry of Internal Affairs, Republic of Albania.

This work has allowed me to continue a process of transformative learning through critical reflection, reflective discourse, and action (Mezirow, 2000, p. 24). All the EULEX projects were based in the workplace and required KP officers – with the assistance of EULEX police advisers - to develop realistic and sustainable solutions to organizational weaknesses. My work with EULEX and ICITAP sustained and further stimulated my interest in academic study, as well as reinforcing my conviction that I am operating as what some policing scholars would describe as a ‘knowledge worker’ in the effort to move police reform abroad toward a new work order (Lee, Green, & Brennan, 2000, al, p. 117). EULEX represented the largest and most ambitious mission of the European Union’s Common Defence and Security Policy (CDSP, 2

² International Criminal Investigative Training Assistance Program, US Government
formerly the European Security and Defence Policy), and, in a break from the past, it gave much greater emphasis to the process of learning from experience rather than simply repeating failed strategies in security sector reform (Witney, 2008, p. 49 – 50). All this placed me on the edge of an exciting period of development as the CDSP began to enter a more global process of transformative learning, based on its practical work on the ground in Kosovo.

Although mainstream policing in the English-speaking world has forged increasingly fruitful links to university research as a means of developing professional knowledge and competence, the same is not true for what Bayley calls “changing the police abroad to promote democracy” (2001, p. 75). For some policing scholars, this tension between university and profession-oriented perspectives on knowledge represents the major theme of professional knowledge and competence (Eraut, 2003, p.8). Some writers claim that mainstream policing (in the UK) means that officers have become “knowledge brokers” and “expert advisers” (Ericson, 1994, p.152). Developing policing abroad has so far fallen into that category of professions that have seen little investment in specialist courses (Eraut, 2003, p. 10). The world of policing in international development remains impoverished by the piecemeal and fragmentary approach adopted, preventing the formation of a cohesive and structured corpus of expertise and knowledge. The large international organisations that have been involved in this field, by their own admission, have been slow to set in place mechanisms whereby they learn from experience - whether at the corporate or group or individual level (Bayley, 2001, pp. 6, 44).
Why, one might argue, pursue a professional doctorate research project in such an uncertain area of endeavour? More to the point, is there a sufficient basis of ‘professionalism’ in the world of overseas police reform? Clearly the business of developing democratic police abroad is on the periphery of mainstream policing and represents relatively new terrain in the world of academic research. Yet it is the very absence of substantial research in this area that not only justifies but urges the proposition that more practitioners in this area consider advanced studies. As observed by scholars in policing and police reform, there has been a remarkable dearth of literature that reflects upon the experience of reforming (and forming) police organisations in post-conflict societies (Deflem, 2002, p. 9; Bayley, 2001, pp. 5-6). Moreover, the holistic approach to ECO of police and its link to reduced police misconduct and police reform – my specific area of interest - is an area that the policing scholars readily acknowledge to be in great need of further research (Luna & Walker, 2000, p. 90; Brereton, 2000, p. 119, 123; Walker, 2007, p. 17).

A professional doctorate research project might contribute to resolving what some writers have observed as a dislocation of professional education from the real problems of practice (Evetts, 2003, p. 397; Schön, 1983, p. 49). Much of the emphasis in police capacity-building abroad is what Eraut (2003, p. 52) calls the “what ought to be done” environment of the practising professionals. I believe that the present study has made a significant contribution to the effort of bridging that gap between professional education and the problems of practice. Moreover, it has done so in respect of a critical feature of policing in a democratic society.
1.5 Structure of the thesis

The structure of the thesis follows the pattern of the research objectives described above. Chapter 2 explores the contemporary debate about police governance in the literature, setting out the conceptual parameters of the more focused critique of ECO in Chapter 3. Chapter 2 seeks to clarify the relationship between the more traditional dynamics of police governance - and the means by which they govern - and the proposed role of holistic oversight. It is argued that police governance can be analysed in terms of the interaction of three key dynamics (police independence, local governance control, and central governance), propelled by either a ‘subordination and control’ approach or, conversely, by an ‘explanatory and co-operative’ approach. This analysis reveals the considerable difficulty in some political contexts of securing effective local governance.

Chapter 3 explores the meaning of ECO in the literature, noting the lines of convergence toward the idea that such agencies can effectively combine a more traditional ‘reactive’ (complaint investigation) role with a more ‘proactive’ (policy interventionist) function. This approach, policing scholars argue, can achieve changes to the police organization and culture, such as to reduce levels of misconduct and improve performance. At the same time the Chapter reveals significant gaps in the arguments of advocates: notably, there is a lack of detailed explanation and research data regarding the best method whereby ECO agencies can achieve these results.

Chapter 4 confronts the methodological problems of answering the question about the link between ECO and improved conduct and standards, and argues for the use of the PIK as a case study, using a mixed method approach to explore secondary
and primary sources of data. The use of the PIK in a case study presents a rare opportunity to test the hypothesis; yet, as in other cases in the literature, it also creates substantial challenges in terms of finding causal links between the presence of the agency and the impact on the police organization. It is argued that a combination of quantitative and qualitative methods could provide strong indications, for or against Walker’s proposition.

Chapter 5 and 6 gather data and provide a detailed analyses in regard to the case study, the PIK. Chapter 5 examines its legal and political structures and compares them with the theoretical principles proposed by policing scholars in the literature. It is found that the PIK exhibits those ECO characteristics advocated in the literature, whilst deviating from the preferred autonomy from government administration and policy recommendation role that is based only on complaint and complaint investigation data. This Chapter also examines the available secondary evidence to support a link between the PIK and reduced levels of misconduct among Kosovo Police employees. In purely numerical terms it is found that the PIK has successfully investigated a credible proportion of the recorded complaints between 2008 and 2012, as well as bringing forward numerous recommendations concerning KP performance; however, no independent evidence could be found to demonstrate that PIK has achieved reduced levels of misconduct or improved KP performance.

Chapter 6 continues to explore the PIK case study by examining the findings of the primary data. Information gathered from over 500 questionnaires and 10 semi-structured interviews is used to explore the patterns of beliefs, attitudes and
perceptions\(^3\) about the PIK among Kosovo Police officers. This important body of evidence has demonstrated that the majority of respondents acknowledged positive characteristics of the PIK in reducing misconduct and improving performance. Although the evidence revealed that majority of officers preferred a police role in complaint investigation, there is nevertheless recognition of the value of a fully independent and civilian agency in complaint investigation. Moreover, the study pointed to the need for further investigation of police perceptions, with more emphasis on exploring beliefs about fairness and methodology.

In Chapter 7 the study moves to a critical analysis of the various data drawn from the case study, evaluating the implications for improved policing standards and reducing misconduct. It extends the findings of other researchers, pointing to the potential benefits of further research into police perceptions, albeit with a shift in emphasis toward beliefs about fairness and process. It also discusses the implications of emerging research about the nature of police misconduct and alternatives to the ECO proactive approach that might be more cost effective.

\(^3\) These terms are used in that sense described by Oskamp, & Schultz (2004, p. 9) as a “cognitive component” – i.e. ideas and beliefs one has about an object.
Chapter Two

Patterns of police governance

2.1 Introduction

The deceptively simple question of who should hold the police to account (Quis custodiet ipsos custodies⁴) has triggered an extensive debate in the literature that, whilst creative in conceptual models and theory, has arguably failed to substantiate the proposed solutions of the policing scholars with sufficient research evidence. In its most basic terms, the debate has evolved from: (a) the intuitively attractive claim that complaints against police are better dealt with by a largely non-police group; to (b) the less intuitively reassuring proposal that the same (or similar) non-police group could tackle the underlying causes of police misconduct; to (c) the arguably non-intuitive claim that the only satisfactory way of dealing with police misconduct is through a combination of (a) and (b). After 1995 advocates of (c) began to suggest that such an agency could go beyond police officers and ensure the accountability of all public sector employees in a given geographical area.

In fairness to the advocates of proposal (c), this particular social terrain is both difficult and dangerous for any exponent of traditional research-based theory. Whilst (a) might seem intuitively correct, any attempt at proving the point runs up against apparently insuperable barriers to quantitative research: how does one demonstrate –

⁴ The dictum of Roman poet Juvenal, Satire VI lines 347 - 8, is normally translated as ‘Who will guard the guards themselves?’ and is applied to the contemporary debate about is best placed to resolve complaints against police officers.
in numerical terms - that a non-police group is more effective in dealing with complaints than a police group? Propositions (b) and (c) seem to be even further beyond the scope of quantifiable evidence. Yet none would deny the importance of the debate: police accountability is a matter of great public interest and it warrants greater investment from the academic community and stakeholders. Moreover, it links to the complex issue of public participation as a key component of accountability, as echoed in Arnstein’s (1969) provocative and still relevant article. To that end, the present Chapter will critically examine the wider landscape of the police governance debate in the literature, with a view to exploring the critical themes that link to the success or failure of civilian oversight agencies.

External civilian oversight (ECO) is a subset of a much broader yet arguably less frequent debate about police governance. As will be discussed in the next Chapter, civilian oversight evolved from a narrow concern to ensure that instances of individual misconduct are properly resolved, and progressed to a much broader ambition of tackling the causes of misconduct, and systemic incompetence and poor performance. This progression mirrored the shifting concern in some societies, from allegations that cases of serious misconduct were not properly investigated or resolved, to revelations of gross incompetence and failures to act. This pattern is tracked by Savage (2007) and other authors who would argue that police governance has tended to be shaped, perhaps unevenly, in response to these public concerns. Prior to exploring this pattern of police governance and others in the literature, it is important to clarify what is meant by the terms ‘police’ and ‘misconduct’.
The current study will set aside the otherwise legitimate and laudable debate about how the rapid evolution of private policing (see, for example, Stenning, 2009, pp. 23-25) has not been adequately reflected in the arguably more lethargic development of governance and accountability mechanisms. Whilst the existence of newly emerging, dispersed, inter-organizational policing networks is beyond dispute (Newburn, 2008b, p. 827), it is argued here that there remains a specificity of public policing as an organized social practice and a strong residual sense of the state as a significant instrument of its governance (Loader, 2000, p. 330). Public police is used to mean state policing – done in the public (rather than private) interest and employing state use of force to preserve the peace (Johnston & Shearing, 2003, p. 58; Shearing, 1992, pp. 406, 408). This study will, therefore, focus exclusively on the debate that concerns ‘public policing’ and ignore the broader and more complex debate about governance across the full range of policing, private and public.

It seems that there has been a traditional reluctance - even in liberal democracies - to allege that the police, on occasion, act incompetently. Complaints tended to be about misconduct rather than omissions or malfeasance, a fact that was perhaps reinforced by laws that only concerned ‘disciplinary offences’. However, some authors have questioned the narrow focus of the meaning of police misconduct. Lustgarten points to the inadequacy of the traditional characterization of police misconduct as “negative, individualistic and orientated toward sanctions” (1986, p. 127). He argues strongly that the traditional approach gave insufficient attention to the organizational context that might have stimulated misconduct, and consequently did nothing about “changing ethos and working atmosphere, career rewards and disincentives” (Lustgarten, 1986, p. 127).
The 1980s saw a growing awareness of a broader, organizational dimension to police misconduct: Shearing (1981) talked of the concept of ‘organizational police deviance’; and Reiner referred to an “operative police subculture” (2010, p.210). In his review of various accountability mechanisms in the pre-2012 era of Police and Crime Commissioners, Lustgarten found that they could not reach “organizational policies or structures which in some instances may stimulate or sustain misconduct” (1986, p. 159). These developments have led some policing scholars to call into question the received ways of thinking about policing and its governance (Loader, 2000, p. 324). This Chapter will, therefore, look at the way in which the emergent concern with police ‘misconduct and incompetence’ has shaped much of the argument about police governance in the literature. First, however, there is a need to impose some conceptual order on a seemingly ‘messy’ debate.

2.2 Grappling the slippery snake

Governance is recognised as a deceptively slippery term. The literature of governance reveals a confusing range of meanings (Lynn et al., 2000, p. 234; O’Toole 2000, p. 276), and an eclectic and relatively theorized concept (Jessop, 1995, cited by Stoker, 1997, p. 35). Some researchers have concluded that there are almost as many ideas of governance as there are researchers in the field (Björk & Johansson, 2000, p. 1). The term is often used to mean ‘governing’, or exercising power or authority over others - the process aspect of government (Mayntz, 2003, p. 27). Moreover, it is said that good governance for many western politicians means a legitimate and democratically elected government modelled on liberal democratic lines (Stoker, 1997, p. 36). Yet
when this general concept is applied to the contentious business of policing it ceases to be straight forward.

As will be discussed in this chapter, the meaning of governance in the context of policing has come to take on a determinedly political nuance. It is largely an argument about political control. It is about deciding the degree of control that is necessary; it is a matter of deciding who exercises control; and it is a question of who is represented by the one that exercises power over the police. The effort to evaluate the arguments about these vexed questions seems akin to grappling with a slippery snake. In an effort to manage the information and weigh the arguments, it will be helpful to place the various advocates and their points of view within a conceptual framework that will help the process of analysis and evaluation. An appraisal of the various arguments might be facilitated by focusing on a framework that highlights the key conceptual features of police governance, their inter-relationship and the way they evolve.

Such a framework is offered by organizational change theorists. If it is accepted that the police governance and accountability debate is arguably about the control of police organizations (Sanders, 1993, p. 106; Lewis, 1999, p. 13; Reiner, 2000, p.169) – in the sense of having the authority, means and will to potentially change them – then it might be usefully interpreted through the language of organizational change. The policing scholars in the governance literature are essentially building arguments in favour of particular theories about the most appropriate and justifiable agents and methods of influencing change in police organizations and police activities.
Organizational change scholars offer a potentially useful conceptual model, one that offers a framework of understanding the dynamics of planned change (governance) and the forces of unplanned change that threaten to undermine governance. Figure 2.1 is based on a chart by Senior (2002, p.27) and provides a visual depiction of the various external and internal forces that interact in organizational change. According to Senior (2002, p. 5) organizations can be best understood as ‘systems’ that evolve and change in response to factors in their external and internal environments. It is argued that organizations change in a symbiotic relationship with their environments (Senior, 2002, p. 16). Such change can either occur in an unplanned and almost unconscious manner, or as a result of a conscious effort to react to governance or other environmental forces (Burnes, 2004, pp. 291-2, & 267-8). It is arguable that an important feature of police governance and accountability is concerned with the latter type of change – planned change. In other words, governance and accountability can include a requirement to change and reform structures and behaviours. This type of change – particularly in a large police organization – is complex in terms of process and predictability of outcomes.

As depicted in Figure 2.1, there are a number of forces or dynamics that operate upon and influence a police organization, for better or for worse. Changes in its external and the internal environments can be occasionally dramatic and explosive, but they are more often small and almost imperceptible changes that have a long-term impact. Those forces that operate in the external environment are perhaps the more obvious agents of change in a police organization and, amongst the most obvious, are
the politico-legal forces. These will be the main focus of the Chapter, as it critically assesses the police governance debate in the literature.

Equally important to that debate – although poorly addressed in the literature – are the forces that operate within a large police organization and either facilitate or defeat the external forces of governance. The scholars identify internal forces as being clustered into two distinct subsystems: the formal and the informal (Burnes, 2004, pp. 264-5; Senior, 2002, p. 4-5). The former subsystem consists of the more obvious and ‘visible’ elements of an organization: organizational goals, structure, core operations, strategy and management. Management is the formal decision making, coordination and control element that can be found in all organizations, whether public or private sector, and whether it is spread throughout the organization or focussed on just a few individuals. These management decisions relate to the organization's goals and the
means of achieving goals through operational activities (e.g. the provision of services or the manufacture of goods).

Whilst elements in the formal subsystem are essential features of any organization - providing structure, direction and purpose to its activities - there is much more to organizations than these formal elements. Within the tangible and more visible elements there is always a ‘shadow system’ (Stacey, 2000) that contains equally important yet more intangible and less predictable elements in the life of an organization. These elements include values and norms, power and influence, leadership and patterns of communication (Nadler, 1988; Nadler & Tushman, 1988). The degree of influence that these elements have varies from place to place, but in all cases they are sufficiently potent to command recognition in an analysis of police governance. Scholars point to the problems associated with not fully recognizing the distinction between the formal and informal cultures of a police organization in a reform programme (Coliandris, Rogers & Gravelle, 2011, p. 206-7). These subsystems and the elements they contain are not static and unchanging. Although they must remain relatively stable if the organization is to continue to exist, there is a constant and dynamic interaction of subsystems over time. This interaction has a direct and important influence on the organization’s activities and outputs.

What occurs in the process of governance (as organizational change), therefore, is a dialectic of forces or dynamics, reacting with each other, resolving into a changed organization or way of delivering police functions. As in Fichte’s philosophical dialectic, the process is one of interaction between thesis (police organization), antithesis (external forces of governance, internal forces), and final
synthesis (changed organization) (Fichte, 2010, pp. 113-4). As applied to the present study, the literature search will be characterized by an effort to analyse the dialectic that of the three main police governance forces or dynamics: i.e. local government dynamic; central government dynamic; and police independence dynamic. Each dynamic will be explored in terms of what advocates explicitly or impliedly claim for its specific “world view”: i.e. those abstract beliefs that shape the values, attitudes, perceptions, and behaviour associated with the preferred approach to police governance (i.e. purpose, policy, priorities, procedures, and structures) (Levy & Merry, 1986, p.10).

First, however, it is important to briefly consider that external force or dynamic that operates alongside political forces in a police organization’s external environment: legal accountability. This force, closely related to political control, has a significant role to play in controlling and changing many police organization’s in liberal democracies.

2.3 Governance and legal accountability

A recognised feature of governance – in the sense of exercising control – is the power to hold to account. Like its parent concept, governance, the term accountability has a many-layered significance, as applied to police organizations and other public sector entities. For example, Schedler identifies no less than seven types of accountability, five of which are relevant to the police: political accountability (concerning policies and policymaking processes); administrative accountability (concerning the expediency and procedural correctness of bureaucratic acts); professional accountability (concerning ethical standards); financial accountability (concerning
use of public money by state officials); and legal accountability (monitoring the observance of legal rules (1999, p. 22). These categories overlap with the five types listed in the Patten Report: legal accountability, by which the police are held to account if they misuse their powers; financial accountability, by which the police are held to account for value for public money; internal accountability, by which officers are account able within a police organization; transparency, by which the community is kept informed; and democratic accountability, by which the elected representatives of the community tell the police what sort of service they want (Patten, 1999, para. 5.4).

It is arguable that the last two categories in Patten’s list (i.e. transparency and democratic accountability) form part of a single whole that equates to Schedler’s political accountability: the authority of elected officials to seek to influence policing policy and hold senior officers and their organization to account for what has been done or failed to be done. Much of the parameters of what should be done and not done by the police are determined by the law, and there are strong areas of overlap between compliance with the law and the function of political accountability. At the heart of legal accountability stands the principle that the police are subordinate to the law, just as other citizens are subordinate to the law, and “there should be robust arrangements to ensure that this is so, and seen to be so” (Patten, 1999, para. 5.3). The relationship between law and policing has become central to the very idea of democratic accountability: the creation and regulation of police powers evolved into a distinctive means of police governance in the last three decades of the 20th century (Dixon, 2004, p. 617). In the English-speaking democracies this development has taken the form of statutory regulation of police powers and case law pertaining to civil
litigation, with the result that routine policing in England and Wales has “become substantially more accountable to legal rules” (Jones, 2008, p. 714).

Other policing scholars, however, paint a deeply gloomy picture of police excess in their abuse of powers and the impotence of laws and complaint systems to control it (Sanders and Young, 2008, p. 303). Indeed, the same authors – in spite of their initial admission that the extent of police abuse of legal powers is not known - conclude that there are no effective remedies for police abuse of powers and that the police are a law unto themselves (2008, pp. 301 & 304). Dixon is dismissive of this “persistent concentration on failures and misconduct” as a distraction from the positive impact of the development of police governance through the authorizing and regulating of police powers (2004, p. 617). It is self-evident that the presence of regulation – as a proactive means of imposing constraint and control, as well as a reactive means of legal remedy – is preferable to an absence of such regulation. Moreover, the occurrence of misconduct and abuse of powers in such a heavily regulated police world calls for more research to fill the lacuna that Sanders and Young acknowledge (2008, p. 301).

Whilst legal accountability is identified as an increasingly potent dynamic in the external environment of many police organizations – one that demands more extensive research – this study must move to the more controversial role of governance per se. This Chapter will now move to its objective of making a critical evaluation of the police governance debate in the literature.
2.4 Police governance dialectic

As pointed out by Loader, police organizations present a unique paradox in modern democracies as both guarantors of the security upon which the exercise of liberty depends, and a potent, ever-present threat to those same liberties (2000, p. 325). This may in part explain the sentiment among some authors that there are “demonstrable inadequacies” in the current arrangements for the governance of the police (Loveday, 2000, p. 229). A critical review of the literature reveals that those inadequacies are the product of a range of governance systems that rely upon one or more distinct but overlapping dynamics: (a) locally elected government; (b) centrally elected government; (c) police independence (or self-governance). Each of these dynamics or forces will be explored, as well as the dynamic process of interaction that is depicted in Figure 2.2.

![Figure 2.2 – Police Governance Dialectic](image-url)
What follows will be a search for an answer to those two key questions posed by Waddington: “To what kind of body should the police be responsible? For what range of decision-making should such a body have responsibility?” (1999a, p. 195).

Local governance dynamic. In certain areas of the world - particularly North America, England and Wales – there is a long-standing primacy of local government as a provider of policing services. Although in England and Wales that primacy has been diminished with the emergence of other governance dynamics since World War II (Savage, Charman, & Cope, 2000, p. 32), it remains a potentially potent source of police governance. Some argue it is firmly based on a fundamental principle of a democratic system of government (Waddington, 1999a, p. 184). It was in the early part of the 19th century that modern ‘public’ policing emerged under the exclusive control of locally elected authorities (outside London). The Municipal Corporations Act, 1835, brought ratepayer democracy to the several hundred self-governing towns of England and Wales and each newly-elected council selected a watch committee with complete power over the activities and composition of their police forces (Williams, 2003, p. 2). By the end of the same decade counties were given power to introduce police forces, each controlled by a police authority that was comprised of a bench of magistrates.

There is evidence that the local authorities in the early decades could exercise an extensive authority to direct policing policy and practice. Williams (2003, p. 2) refers to an interesting example in which the Watch Committee for Liverpool City Council in 1890 ordered the Chief Constable to close brothels in the city, after he had earlier refused on the grounds that such a measure would displace the problem into
other areas and make policing the problem worse. This approach - which Marshall would call ‘subordination and control’ (2005, p. 633) – would be depicted in Figure 2.2 as the local dynamic heavily eclipsing the independence dynamic in an upward motion. However, this early development was not to last: the increase of the central and independence dynamics eroded this early confidence.

The evidence suggests that the local dynamic had been fragmented and in a tense relationship with the central dynamic prior to the 1964 Police Act (Jones, 2008, p. 697) brought the hope of a carefully crafted interplay of checks and balances between three competing but equally legitimate sources of governance - local authority, chief constable, and Home Office (Lustgarten, 1986, p. 113) in forces other than the Metropolitan Police. What was envisaged was a balanced interaction of the three spheres in Figure 2.2, combining the two approaches to control over police independence. Although the so-called ‘tripartite system’ had a persuasive logic and pragmatic allure, observers have noted the “progressive neutering” of the local dynamic (Godfrey, 2007, p. 496), and its tendency toward non-intervention (Newburn, 2008a, p. 110; Lustgarten, 1986, p. 181). It is a moot point, however, whether that decline was the result of losing ground to the other, more aggressive dynamics, or a failure to exploit the statutory power to actively govern the police.

In England and Wales the reality of the local dynamic appears to have been quite different in the post-1964 era. Here a noted weakness of the local dynamic is that there was “little possibility of policy direction, performance monitoring and disciplinary sanctions imposed by local authority” (Lustgarten, 1986, p. 181). This fact is, according to some researchers, illustrated by the failure of locally elected
representatives to remove a single chief constable from his/her post since the World War II (Jones, Newburn & Smith, 1996, p. 196; Jones. & Newburn, 2007, p. 156). By 2000 researchers had found that the Home Office (rather than HMIC/Audit Commission or local authority) was mainly responsible for determining policy (Savage, Charman, & Cope, 2000, p. 44). Unlike their American counterparts, these local authorities have tended to be passive and hesitant, rather than acting on their potential to influence policing as a political key to election success. As Loveday (2000, p. 229) sagely records, local police authorities have proved unable to fulfil the political role that has been traditionally ascribed to them. It is tempting to suggest that the disappointing history of the local dynamic is the result of uncertainty about its underlying ‘world view’. What would the local governance dynamic look like if it was properly implemented in contemporary ‘public’ policing? As indicated in Figure 2.2, policing scholars tend to gravitate toward either a soft, ‘explanatory and co-operative’ approach (i.e. reducing the eclipse with police independence), or a more strong, ‘subordinate and obedient’ approach (Marshall, 2005, p. 633).

In spite of its chequered history, the ‘explanatory and co-operative’ approach attracts wide support: it creates the possibility of policing styles and strategies based on community consultation. Some proponents suggest that this vision of the local dynamic offers a potentially attractive advantage of empowering the link between the providers of policing services and their intended customer – the local communities (Neyroud, 2008, p. 679; Tilley, 2008, pp. 373-4). It seems intuitively correct to assert the right of a paying customer to influence, if not dictate, the decisions about service delivery. Yet the police form part of a broader criminal justice system that has a customer base that is far from homogenous or unified in its views about policing. The
vision of police/community interplay – a vital aspect of this ‘world view’ of local
dynamic advocates - has run up against difficulties in the business of measuring
success. Some research in England suggests that police-community consultation (as
envisaged by the legislation of the late 1980s) had apparently failed, due to a complex
web of causal factors that resisted efforts to identify clear determinants (Savage,
Charman, & Cope, 2000, p. 46; Waddington, 1999a, p.84). This has led some to
conclude that consultation does not necessarily amount to accountability (Bowling,

Getting together groups of people at a local level to discuss policing policy is
often an uphill struggle. Some researchers have questioned the assumption that there
is such thing as a single, homogenous ‘community’ that can be readily consulted
(Waddington, 1999a, p. 222; Jones, Newburn & Smith, 1996, p. 195). The reality,
particularly in urban areas, is quite different and it has to be realised that very
different types of arrangements need to be negotiated, locally, for different areas and
groups – some areas might set up participative mechanisms and others may not see
the need for such mechanisms (idem). This problem is further compounded by a
pervasive apathy or indifference to policing issues (Docking, 2003, p. 6), unless and
until a crisis event occurs that calls into question police competence or discipline
(Savage, 2007, pp. 12-14). Most of the time the issues are not salient enough to
stimulate a continuing concern and commitment among a large number of people
(Jones, et al, 1996, p. 193). As Reiner notes, often there is only an interest in policing
“when the wheel comes off” (1992, p.4). This observation is echoed in the research
findings that track patterns of police reform initiatives triggered by ‘system failures’
(Savage, 2007, pp. 12-4; Punch, 2003, p. 173): public interest must be stirred by an
event or events to the point of outrage before there is sufficient impetus to effect changes to the way the police operate. Moreover, what is voiced may prove to be a ‘public appetite’ for toughness in policing and a law and order agenda that marginalizes minority groups (Waddington, 1999a, pp. 199-200).

Perhaps because of its apparent failure in some political contexts, other authors reject the ‘explanatory and co-operative’ approach and advocate a shift towards the early days of local authority governance (Reiner, 1993, p.16; Reiner, 2000, p.183; Godfrey, 2007, p.498). It is argued that the case for bringing the police firmly under the control of elected representatives is most compelling because of the police function as “custodians of the state’s monopoly of legitimate force” (Waddington, 1999a, p. 185). Jones, Newburn & Smith (1996, p. 190) discuss a number of democratic criteria (or values) for police governance and argue that ‘redress’ is the strongest value in the theory of democracy as a competition between elite groupings. Redress means that the electorate has the ultimate sanction of removal of an incompetent or malevolent administration from office, and this means - by extension – that it should be possible to remove an incompetent or malevolent police management (Jones et al, 1996, p. 192). It would also mean that, if certain groups are unfairly targeted by policing policies, it should also be possible for those groups to have the policy reversed. All this accords with the ‘subordinate and obedient’ approach, which is clearly articulated in Reiner’s call for police control by locally elected officials (1993, p. 18; Sanders, 1993, p. 106; Lewis, 1999, p. 13; Reiner, 2000, p.169). This is the preferred approach in many jurisdictions across the USA, where police are subordinate to the local mayor and dependent upon him or her for employment (Waddington, 1999a, p. 189).
Some scholars have argued, however, that even if the police were brought under close control by elected representatives, this would not guarantee ‘democratic policing’ (Jones et al, 1996, p. 189) – experience suggests a real danger that it might harness support of a respectable majority for the oppressive policing of marginal groups (Waddington, 1999a, p.40-1). Evidence from the USA suggests that the policing policies of local government officials often work to satisfy the demands of the majority of voters (Jones & Newburn, 2007, p. 155; Waddington, 1999a, p. 198), and this often translates into crudely crafted and blunt ‘law and order’ policies, and overly simplistic remedies to complex social problems. An appetite developed among British police and politicians for importing some of the more controversial of such American policies (e.g. ‘Broken Windows’, ‘Zero Tolerance Policing’) and which Savage acerbically dubs “importing intolerance” (2007, pp. 60-7). As Pakes reports on the Australian context, the results can have damaging consequences for community relations in mixed neighbourhoods, creating an image of the public police as protectors of majority interests and often – ironically – failing to deliver the promised crime free society (2010, p. 54). Although political issues are generally resolved in partisan terms in liberal democracies, this would be inappropriate if applied to the police (Waddington, 1999a, p. 186). Traditional approaches to the local dynamic appear to have failed to overcome the complexities of contemporary urban populations, and some conclude that democracy should not be reduced to electoral control (Jones, 2008, p. 717).

In spite of these difficulties, various efforts have been made and continue to be made to bring about a renaissance of the local dynamic. In the early 1980s, the Labour
MP Jack Straw introduced a private member’s bill designed to make police authorities entirely elected bodies, and give them enhanced powers over the framing of local policing policies. Similar reform measures were proposed in the later Labour campaign for criminal justice (Downes & Ward, 1986) and the recommendations of the institute of public policy research (Reiner & Spencer, 1993). The impetus for these proposals was a belief in the value and importance of local democracy and concerns about the limited democratic properties of the post-1964 system. The argument, however, appeared to lack detail about how this alternative would work in practice. There was talk of democracy flowing primarily from the fact of election, of the need for responsiveness to community expectations and the aspiration toward effective service delivery. Yet it was not made clear exactly how this might be achieved in practice.

In England and Wales hopes of improvement were promised with the Police Reform and Social Responsibility Act, which – it was claimed – would deliver “police forces that have greater freedom from Ministerial control…[and] much more accountable to the public they serve” (HM Government, 2010, cited by Bridges, 2011, p. 34; Coliandris, Rogers & Gravelle, 2011, p. 203). The Act echoes ideas that were first proposed by Jefferson and Grimshaw (1984, pp. 170-6): i.e. setting up of ‘police commissions’ that would be directly elected as such and would be able to issue instructions to local police chiefs on matters of policy (Jones, Newburn & Smith, 1996, p. 189). The directly elected Police and Crime Commissioners (PCComms) have a range of powers: setting out policing objectives for their areas, actively consulting the ‘people of the area’ and ‘victims of crime’ and, most crucially,
appointing Chief Constables, suspending them and requiring them to resign and retire (Maillard & Savage, 2012, pp. 372; Bridges, 2011, p. 34).

There are parallels here with the favoured approach throughout the USA (Waddington, 1999a, p. 189), yet no indications of how the problems inherent in such a strong local dynamic might be overcome. Some counter the US import charge, arguing that there are many models of US police accountability and “none of them quite like Britain’s new one” (White, 2012). The Act envisages a system similar to Loader’s “policing commissions” and thereby raises the conundrum as to how they might “elicit and take account of the views of all individuals and social groups likely to be affected by their decisions” (2000, p. 337). As in the USA, the problem consists of striking a balance of majority and minority interests that, all too often, are not the same or are opposed. That means ensuring that all citizens are provided with a ‘fair’ share of available policing resources (Loader, 2000, p. 338).

**Police independence dynamic.** Research in the literature suggests that the dynamic interplay depicted in Figure 2.2 involves the two outer spheres eclipsing (or retreating from) the more static central sphere of police independence. In other words, unless and until one or both of the other dynamics actively circumscribe or limit, or overtly direct police decision-making, the independence dynamic will automatically dominate. If we set aside those limitations imposed by law, the literature suggests that police decision-making ought to either reflect the expectations of citizens or result from the overt direction of their elected representatives. However, it is arguable that the considerable practical problems encountered by these propositions continue to strengthen the independence dynamic. This argument will be explored in more detail.
The doctrine of constabulary independence has become, over time, a distinctive constitutional feature of British policing (Waddington, 1999a, pp. 186–8; Jones & Newburn, 2007, p. 156). From the earliest days of municipal police forces in England and Wales, chief constables had significant power within the frame of local authority. As pointed out by Emsley (2008, p. 76), the early police committees appointed chief constables, who then ran the county force as they saw fit; they were far more independent than their borough counterparts. Although circumscribed by central government policies and budget allocations, police chiefs continued to exercise significant discretion in their decision-making about the focus, priorities and style of policing. Many would argue that even with the advent of the Police Act 1964, and the proposed checks and balances of the tripartite system, the independence – if not autonomy - of police decision-making remained extensive (Reiner, 1993, p. 18; Jones, Newburn & Smith, 1996, p. 188; Oliver, 1997, p. 81). This was perhaps facilitated by the way the Act failed to resolve the ambiguous constitutional position of the police (Jones, 2008, p. 697; Waddington, 1999a, p. 187). Arguably it was the unrealized ambition of dynamic and proactive local authorities in the decades that followed the 1964 Act that fortified and emboldened what some researchers came to caricature as the “sacred cow of constabulary independence” (Savage, Charman, & Cope, 2000, p.50).

Writing in the mid-1980s, Lustgarten (1986, p. 20) argued contentiously that the police - at that time - believed that ‘independence’ meant not being under the ultimate control of democratically elected representatives of the public. In other words, that no “political body” had the power to direct or command those in charge of
a police organization to adopt or reject a particular policy or practice, and that ultimate responsibility for policing should rest with the chief constable (Lustgarten, 1986, p. 32). The idea of police independence as freedom from local political interference is echoed by other scholars (John, Lewis, Read, & Rogers, 2011, p. 88). Over time the argument for the necessity of individual discretion in exercising police powers – elevated by decided cases - came to be extended to the broader sweep of operational decision-making, with all its latent policies and political implications (Dupont, 2003, p. 45). Yet how could this apparent inversion of Robert Peel’s principle of democratic policing (“the police are the people…”) have occurred? Was it a case of chief constables overtly resisting the effort of the other spheres in Figure 2.2, or simply getting on with the business of policing in the absence of policy guidance from the central or local dynamics? Although it is impossible to generalize about the attitudes of chief constables, there seems to be evidence that the independence dynamic flourished in the vacuum of a weak local dynamic. However, the central dynamic appears to have been a more potent source of governance.

Some important policing scholars argue that most policing decisions are ‘political’, in the sense of decisions that entail judgments about moral values, favouring some interests over others, and investing limited resources in certain areas rather than others (Lustgarten, 1986, p.20; Reiner, 2000, p. 8-9). This allows Waddington (1999a, p. 195) to beg the question: if war is too important to be left to the generals, then so too is policing too important to be left to police officers.

Central government dynamic. In its most extreme form, the central government dynamic is the much-favoured and traditional approach of many eastern European and
former communist countries, often characterized by a general deficit of government accountability (Goldsmith, 2005, p. 449). Since this is the socio-political context of the Kosovo Police, the case study that will provide empirical data for the present study, it is important to consider the implications of the eastern European tradition of police governance. As observed in the Republic of Serbia (former Yugoslavia) (Downes, 2004, pp. 22-3) and countries of the former Soviet Union (Shelley, 1996, pp. 3-18) there has been a strong tradition of placing the police firmly under the direct control of the central government administration, where the parent Ministry (of Internal Affairs) and the police organization are coalesced and combined into a single entity. In this way, the distinction between the political realm and the operational policing realm is entirely blurred by a state-centric model that relies upon what Marshall terms the ‘subordination and control’ approach (2005, p. 634). Even in liberal democracies an overly powerful central dynamic can result in a corrupting influence on policing and policing policies (Waddington, 1999a, p. 196; Fitzgerald Report, 1989).

As visually represented in Figure 2.2, the above scenario would involve the central governance sphere fully eclipsing the police independence sphere, and the complete absence of the local governance sphere. At the opposite end of the scale in the central government dynamic stands what some suggest is the system that operates in England and Wales: the ‘explanatory and co-operative’ approach. As Marshall explains, the Home Secretary’s response to Parliament for policing throughout the country “is one that rests not on an ability to issue orders but on a capacity to require information, answers and reasons that can then be analysed and debated in Parliament and in the press (2005, p. 633). This model, in many ways the opposite of
‘subordination and control’, seeks to govern through ‘explanatory accountability’: a system that has no power to bind or reverse executive decisions, but rather provides “an avenue for challenge, for requiring a reasoned explanation and for advice and recommendation” (Marshall, 2005, p. 634). This would be depicted in Figure 2.2 as only a partial eclipse of the police independence sphere by central governance, and would not necessarily exclude the local governance sphere.

The literature reveals a pattern of gradual growth of the central dynamic after the 1964 Act, increasing “its grip” over time and reaching a peak in the late 1990s (Newburn, 2008a, p. 102; Reiner, 2000, p. 194; Waddington, 1999a, p. 187). There are two aspects of this growth: the promotion of New Public Management policies by central government, and the proliferation of statutory provisions in response to system failures and related public enquiries. This development has been largely at the expense of the independence dynamic and the already weak local dynamic (Savage, 2007, p. 191). Much has been said in relation to the emergence of the New Public Management phenomenon in policing in the 1990s, across Europe and beyond (de Maillard & Savage, 2012, pp. 365-77; Jones, 2008, p. 715; Savage, 2007, pp. 107-10; Rowe, 2007, p.280). Since the early 1980s the reform of police services has been part of a broad phenomenon that has engulfed the majority of public services in the western world (Dupont, 2003, p. 43). Accountability became a matter of measuring efficiency and effectiveness, with the result that the “principles of democracy and equity are slowly absorbed by market considerations” (Dupont, 2003, p. 44; Savage, 2007, p. 149; Loader, 2000, p. 324; Reiner, 1993, p. 10), and, as a result, the police focus emphasized “national targets rather than local priorities” (Jones, 2008, p. 709). De Maillard and Savage identify an uneasy fit of the centralizing performance...
management trend with the traditionally ‘local’ ethos of British policing, diminishing local variation and discretion (2012, p. 370).

Although de Maillard and Savage’s comparative study of the impact of the performance management in France and Britain would caution against easy generalizations across nations, they are agreed on its centralizing effect on police governance in England (2012, p. 380). In 2010, however, the coalition (Conservative/Liberal Democrat) government announced an intention to shift the emphasis away from the central dynamic and toward a new interpretation of the local dynamic. It announced “the transfer of power away from government”, the abolition of central targets, and the introduction of “directly elected Police and Crime Commissioners (Great Britain. Home Office, 2010, p.3). The latter replace police authorities, set policing priorities, represent local community views, and appoint, hold to account and dismiss chief constables (Great Britain. Home Office, 2010, p.11). When first proposed these reforms to police governance met with vigorous opposition from senior police officers and the Association of Police Authorities, whose members warned of policing being driven by “politically motivated agenda” (Townsend, Doward, & Helm, 2010). Although some senior police officers voiced opposition, the original reform statement promised that chief constables would have “greater professional freedom to take operational decisions” (Great Britain. Home Office, 2010, p.12). Perhaps the most potent criticism of the reform proposal was made by a US attorney with direct experience of a similar scheme in New York: she warned of an increased risk of corruption when the police are placed “directly under the control of an elected politician” (Townsend, 2011). The argument was not against localism
per se, but against the inherent dangers of focussing such authority in the hands of a locally elected individual.

Voices in the media have sounded concern with the new brand of local governance, pointing out that greater local control in London has been accompanied by politicians (of all persuasions) reducing accountability to collated statistics, and competing in calls to provide the police with “more money, more staff, more powers and more weaponry” (Wood, The Guardian, 2012). In the background of this debate lies a perennial lack of public enthusiasm for local accountability measures (Docking, 2003, p. 6). Commenting on the election of the first Police and Crime Commissioners, one observer summed up the problem as a case of the electorate having acquired “a habit of blowing a raspberry in the face of [Government] local democratic innovations” (BBC, 2012a). However, it might be argued that the apparent raspberry conceals a public apathy and indifference that is itself the problem rather than the means by which police (democratic) accountability is achieved.

Will the ‘coalition’ reform measures fully unravel several decades of centralized control? An important concern for discussions about police accountability in England and Wales has been the implications of centralization for the distribution of power over policing policy. Some critics of the 2010 coalition government’s reforms have argued that the power balance had tipped too far toward the centre (Jones, Newburn & Smith, 1996, p. 195). Already exposed to a new form of political control disguised as financial accountability, the theoretical independence of the police has been further eroded by the imposition of national performance indicators (Dupont, 2003, p. 48). Dupont talks of a ‘democratic deficit’, that is characterized by
a restrictive view of police effectiveness that is bounded by its budgetary meaning and fails to empower citizens (2003, p. 49). Police organizations had come to view accountability in terms of ‘performance measures’ and ‘best value’ (Loveday, 2000, 228). As events unfolded in operational policing, it became clear that new public management systems in policing had not removed the potential for the ‘system failures’ that drained public confidence and triggered expensive enquiries and reform measures.

It could be argued that those historic examples of ‘police reform’ that have been catalogued by Savage (2007, pp. 23-42) are instances of particularly decisive and well-focused police governance. The ‘system failures’ that result in recommendations for change in police organizations have an often unspoken agenda: the need for change in police governance, as well as change in its object (the police). This point is made by Lustgarten when he states that police governance in England and Wales has tended to be treated as a sub-problem of current political issues, notably race relations, rather than as a constitutional issue of fundamental importance in its own right (1986, p. 160). There is a sense, therefore, in which police governance rarely becomes an issue in its own right, only a subset of a greater concern about failures in police conduct and performance.

The consequences of the growth of the central dynamic on the independence dynamic have not been the same everywhere. Research in Australia in the 1970s found that, although police chiefs were accountable to government at the policy level, they retained certain discretionary powers in the management of their daily operations (Dupont, 2003, p. 45). Since the 1980s the situation in Australia changed and
managerial reforms have strengthened “the grip of ministerial controls on law enforcement functions” (Dupont, 2003, p. 45). What seems to have emerged, across the literature, is a concern that either the independence dynamic or central dynamic (or both) have grown at the expense of the local dynamic. There is a pervasive sense of dissatisfaction among policing scholars with the way in which police organizations are governed, and increasing demands for shifts in the existing dynamics of police governance.

2.5 Dynamic shifts and some conclusions

It seems that an answer to Waddington’s (1999a, p. 195) questions about the body to which the police must be held responsible and its range of decision-making remain only partially answered. As Jones, Newburn & Smith (1996, p. 187) point out, the police have a unique relationship with the institutions of democracy and their legitimacy – they are there to protect the fundamental freedoms of citizens. Police organizations are, in a very real sense, one of the guarantors of democracy and good governance. Herein lies the apparently unresolved conceptual dilemma at the very heart of the police governance debate: how must one govern a police organization in a way that ensures that it remains an effective guarantor of democracy? Rather than focus on describing particular institutions, some authors suggest that a more helpful approach to examining the meaning of democratic governance is to analyze the range of values underpinning those institutions and processes (Jones, Newburn & Smith, 1996, p. 186). Thus, a satisfactory resolution to the ‘guarantor of democracy’ dilemma would equate with the best formula for balancing police discretion (or independence) in decision-making with the disparate concerns and interests of citizens, or balancing independence and political accountability (Waddington, 1999a, p. 188). In other
words, the task is to find a way in which police organizations ought to be “rendered responsive to democratic audiences” (Loader, 2000, p. 324).

The analysis under section 2.3 above has revealed various dynamic shifts in the ongoing effort to define the winning formula, as senior police officers, academics and politicians struggle with the principles of democracy and the interpretation of its values. Waddington characterizes the constitutional position of the police as shaped by a long-term struggle between the competing principles of political independence versus electoral accountability, and central versus local dynamics (1999a, p. 187). Referring back to Figure 2.2, the incongruent advocates suggest different ways of eclipsing the errant movements of the police independence sphere. In most jurisdictions the shifting of dynamics tends to be bipolar: greater (or lesser) police autonomy at the expense of either central or local control. In England and Wales the tripartite formula makes for a more complex dialectic of the three competing dynamics (Savage, Charman, & Cope, 2000, p. 46). It is arguable that too much of the debate has centred on attempts to diminish the independence dynamic per se, rather than construct a positive model of democratic governance. The argument in favour of greater political control has been built on too much emphasis on identifying how the police have failed, rather than on how the local dynamic has succeeded (Waddington, 1999a, p. 197).

In the 1980s the debate seemed to be concerned with limiting independence and increasing the local dynamic. For example, Lustgarten, a local government dynamic advocate, urged the need to go further in curbing police independence but seemed uncertain about the way that the subsequent decision-making gap should be
filled (1986, p. 181). Throughout the 1990s the police independence dynamic continued to be a major cause of concern and resulted in calls to ‘deconstruct’ the principle of constabulary independence rather than emasculate operational decision making (Savage, Charman, & Cope, 2000, p. 49).

Waddington suggests that too much emphasis on the subordination of police to elected representatives as an exclusive democratic solution might at the same time exclude many areas of the liberal democratic world (1999a, p.191). Some research suggests that efforts to diminish the independence dynamic could have possibly unforeseen and deleterious consequences for police performance. Others suggest that the governance model should be graded: e.g. local policing (community-based units) require an ‘explanatory and cooperative’ approach and large-scale, national units require a ‘subordinate and obedient’ method (Markham & Punch, 2007b, p.492). A critical component of the independence dynamic is the capacity to effect changes within the police organization (Savage, 2007, p. 128-9), and there is evidence that this can be endangered by disenfranchising chief constables and excluding discretion in decision-making. It is crucial, therefore, that discussions about police accountability are not overly narrow in focus and that, in addition to the external structures, attention is paid to internal structures for ensuring that the service that is delivered conforms to that laid down by policy makers (Jones, Newburn & Smith, 1996, p. 194). Dupont discusses the impact of the introduction of performance-related contracts for chief officers in the context of Australia: in addition to the fact that Commissioners who wish to pursue a career in policing will try to avoid at all costs a quarrel with their ministers, they are even more restrained by the performance clauses embedded in their contracts (Dupont, 2003, p. 50). The same author argues that the legal theory of the
operational independence of the Commissioner can no longer be sustained, as it is possible to discern a deliberate strategy from the political authorities to reassert their control over the police (Dupont, 2003, p. 50).

The advent of the Patten Report and its examination of the “need for effective mechanisms of accountability” marked a new phase in the ongoing police governance debate (Loveday, 2000, p. 220; Savage, 2007, p. 70). This landmark document questioned the origins and legitimacy of what some researchers have called the ‘sacred principle’ of police independence (Savage, Charman, & Cope, 2000, p. 48). In a crucial step forward the Patten Report proposed that what underlies the police concern is not a need to protect the independence of senior police officers but a need to recognize their ‘operational responsibility’ (Patten, 1999: 6.20, pp. 32-3; Loveday, 2000, 221; Savage, 2007, p. 74). The concept of ‘operational responsibility’ developed by the Independent Commission on Policing for Northern Ireland offered a promising alternative – it locates the root of the democratic deficit in the governance of policing in the legal theory of the operational independence of the police (Dupont, 2003, p. 52; Jones & Newburn, 2007, p. 156). Operational policing is seen as too important to be left under the control of either partisan politicians or unaccountable commissioners. The notion of operational responsibility resolves this dilemma by advocating the empowerment of the community through the creation of a board that could extend oversight to operational matters. However, talk of community empowerment implies a broad base of citizens who seek to be involved in decisions about policing and some research questions whether this is a realistic assumption on which to build a new approach to governance, given the failure of community consultative groups (Bowling, Parmar, & Phillips, 2008 p. 628).
It is arguable that the ‘explanatory and cooperative’ versions of the central and local dynamics must *de facto* provide greater authority to the independence dynamic. In the absence of a regime in which a police chief is required to target and resolve specific local problems, he or she will naturally concentrate resources and effort using as much discretion as permitted by law. In spite of the apparent growth of the central dynamic throughout the 1990s, Loveday expressed concern at the unchecked growth of the independence dynamic, arguing that “much policing activity remains highly discretionary, largely unrecorded and, as a result, ‘invisible’ to those who seek to monitor police performance” (Loveday, 2000, p. 229).

One scholar has argued that the local dynamic can only operate if and when the central dynamic begins to withdraw (Godfrey, 2007, p. 499). Some renaissance models of the local dynamic seemingly fail to tackle what Jones calls the “democratic deficit at the local level” (Jones, 2008, p. 717) and find a way of reconciling disparate values and interests in modern urban populations (Millen & Stephens, 2011, p. 268). As noted by Newburn (2008b, p. 837) the question of police governance has become one of deciding how the public police can be held accountable in an environment in which ‘pluralism’ is encouraged. The Police Reform and Social Responsibility Act and similar remedies tend to give voice to the more majoritarian views, but it is not clear that “rights and civil liberties of less popular minorities will be protected in the process (Bridges, 2011, p. 35). As in the US, it is not difficult to envisage ‘PCComms’ and ‘police commissions’ promoting policies for ‘zero tolerance’ and ‘no go areas’ that target certain activities or groups, and urging the use of blanket stop and search, arrest operations, or widespread use of anti-social behaviour orders, etc.
(Loader. 2000, p. 338). For similar reasons, Bridges (2011, p. 35) dismisses these police reforms and argues that they will be a recipe for “fragmenting accountability” (idem). The path of greater political control also creates the graver risk of the abuse and corruption, as evidenced in a number of countries (Waddington, 1999a, pp. 196-7).

Although this Chapter has overtly steered away from the ballooning debate about the growth of private policing (Newburn, 2008b, p. 827), it must be acknowledged – if only in passing – that it has an important relevance to the issue of governance. Dupont indicates what he detects an inexorable path and direction of security and safety provision in increasingly complex urban societies. He notes gathering forces that would seek a radical shift in police governance, away from traditional forms of governance that rely on hierarchical public structures, toward alternatives that rely on market forces, policy networks and local communities (Dupont, 2003, p. 43). This new governance accepts a process characterized by materialist reforms that assume a belief in the superiority of the market over the state, the need for internal competition within government, and the fragmentation of public service providers (Jones, 2008, p.709; Waddington, 1999a, p. 246). In March 2012 the UK Government announced a scheme that would further extend the extant process of transferring parts of ‘public policing’ into the private sector (Prescott, 2012). A contract with a potential value of £1.5 billion over seven years would see private forces perform a range of police functions, including investigating crimes, patrolling neighborhoods, supporting victims and witnesses, managing forensics, and even detaining suspects (Khetani, 2012). Some politicians reacted to the announcement by
pointing to the risk to the impartial and equitable provision of police services (BBC, 2012b).

These changes are undoubtedly the latest stage in the evolutionary chain that reaches back to the dawn of New Public Management in the early 1990s, albeit now spurred on by the crisis in public spending. As hinted at above, values that underpin and drive markets are not the same as those that we ascribe to democracy. It is arguable that transferring more policing functions to the private sector may considerably reduce the independence dynamic, by eliminating discretion and allowing the central dynamic to govern absolutely through the language of objectives, performance indicators and targets. If this is the case the consequences are likely to be an intensification of those seen in the last two decades, but with possibly lower cost to the taxpayer.

Is the local dynamic, therefore, a lost cause? A possible factor in the apparent failure of the local dynamic is its traditional lack of technical capacity in monitoring police performance and providing more sophisticated feedback (Weatheritt, 1993, pp.28-9). Perhaps the answer lies in the reform of police authorities, rather than their replacement with commissioners or similar alternatives (Holdaway, 2012)? Modern police organizations in the liberal democracies of the world are both sophisticated and complex, dealing with the equally complex and sophisticated crime and public disorder events of contemporary society. Governance of such organizations must de facto include a sufficient degree of technical capability and expertise, “checks and balances, and the input of expert opinion” (Pyper, 1996, p.3, cited in Millen & Stephens, 2012, p. 262; Jones, 2008, p. 717). Among the multiple dynamics in
England and Wales stand two notable examples of what will be referred to as the technical/expert dynamic: Her Majesty’s Inspectorate of Constabulary (HMIC) and the Audit Commission, introduced under the Local Government Finance Act 1982 (Loveday, 2000, 213; Savage, Charman, & Cope, 2000, p. 32).

The Audit Commission has had the objective of improving economy, efficiency and effectiveness in local government, housing and the health service, directly through audit and inspection process and also through value for money studies. Its well-evidenced recommendations mean that, in a very real sense, it has a policy development function (Savage, 2007, p. 97). Whereas HMIC is a much older entity, dating back to 1856, and answers to the Home Office, and its structure and purpose has evolved and changed over time, and is currently authorized by the Police Act 1996 to report on the activities of the territorial forces of England and Wales and other law enforcement organizations (e.g. British transport Police, Civil Nuclear Constabulary). The rational, therefore, is more than a matter of ‘watching them while they are doing it’ (Jones, Newburn & Smith, 1996, p. 195); it is a set of managerial tools backed up by a regime of audit and inspection aimed at producing effective, efficient, ‘value-for-money’ police services that are attuned to the requirements of their ‘customers’ (Loader, 2000, p. 326).

Since these technical agencies act in support of the existing three dynamics (Oliver, 1997, p. 75) it would be inappropriate to position them as a new and distinct dynamic of police governance. They do not act in isolation, but work as an adjunct of the central government dynamic and/or the local government dynamic. As noted in the UK coalition government’s ‘Big Society’ concept (John, Lewis, Read, & Rogers,
2011, p. 65), democratic accountability and governance require information (Jones, 2008, p. 696; Jones, Newburn & Smith, 1996, p. 195) and this must reflect the complexity of police organization and its objectives. Moreover, the type of information offered must go beyond crude statistics to a qualitative level that properly informs the local policing debate (Jones, 2008, p. 717). It must go beyond the important role of the media in highlighting moments of failure, incompetence and misconduct, and provide detailed data about routine, daily and local performance. Without such detailed, objective and accurate data it is difficult to imagine how governance – as informed policy-making and strategic direction – can be carried out by local and/or central government.

This Chapter has provided a broad conceptual context for the next stage of the study. Markers have been placed on the seminal themes and arguments in the police governance debate, and a framework for evaluating various positions has been put forward. The next Chapter will explore the literature relating to external civilian oversight (ECO), a sub-set of the evolving systems of police governance. It will examine the path whereby ECO evolved from a narrow concern to ensure that instances of individual misconduct are properly resolved, and progressed to a much broader ambition of tackling the causes of misconduct, and systemic incompetence and poor performance. It will assess the ECO move from the limited scope of legal accountability at the individual level, to the less certain realm of political accountability as a means of achieving organizational change. It thereby – in ambition if not in fact – moves fully centre stage of police governance.
Chapter Three

External citizen oversight – a remedy to misconduct and poor performance?

3.1 Introduction

The previous Chapter has set the stage for the complex task of the present: evaluating the arguments for or against External Citizen Oversight (ECO) as a remedy to police misconduct and poor performance. This agenda fully coincides with that of police governance, construed as the external power to influence organizational change. ECO is ineluctably subsumed into the dialectical interplay of political forces or dynamics - local, central and independence – that determine the scope and quality of change within the police organization. Whilst the exact constellation of forces will vary from one country (or region) to the next, the uncertainty about the best path to democratic accountability seems universal. This Chapter, therefore, will not only explore the veracity of the claim that ECO has the technical capacity to effect organizational change, but also the suggested source of its political power and the degree to which that power includes the quality of democratic accountability.

3.2 Evolution of citizen oversight of police

A growing cadre of policing scholars has mapped the various elements of the evolution of ECO of police complaints in a number of countries over the last several decades (Freckelton, 1991; Maguire, 1991; Petterson, 1991; Terril, 1991; Lewis, 1999; Lewis, 2000; Beattie & Weitzer, 2000; Goldsmith, 2000; Manby, 2000; Neild,
2000; Milton-Edwards, 2000; Miller, 2003; Walker, 2006a, pp. 2–9; Buren, 2007, pp. 29-30). Although drawing from experience of police misconduct in a growing number of democratic countries, the authors share a common conviction that the traditional approach to resolving citizen complaints (i.e. wherein the police investigate the police) is inadequate. These policing scholars argue that the system whereby only the police are competent and capable of investigating the police is patently flawed, unsatisfactory and contrary to public expectations (Waddington, 1999a, p.163; Jones, 2008, p 711). What is required, they argue, is a system that can reassure complainants (and the broader public) that complaints about police misconduct will be dealt with in a fair and objective manner, to the satisfaction of the complainant (European Partners Against Corruption [EPAC], 2011, p. 3). A system can only hope to achieve public confidence if civilians (non-police) have control over the process.

Whilst the exact form and substance of the alternative approach is debated in the literature, there is consensus concerning the need to replace – in whole or in part – the traditional police-controlled system of dealing with complaints, with a system controlled by non-police personnel and in the hope of creating or increasing public confidence (Prenzler, 2002a, p. 18; Petterson, 1991, p. 269; Walker, 2001, p. 12; Herzog, 2000, p. 140; Beattie & Weitzer, 2000, p. 58; Villiers, 2002, p. 236; Walker, 2006a, p. 2). Such citizen oversight mechanisms are held to represent the most developed type of police complaints system (Smith, 2010, p. 64). However, it would be naïve to suggest that the mere fact that a complaint is exclusively or partially dealt with by non-police personnel will guarantee a just and equitable outcome. A seemingly endless host of unspoken assumptions would need to be examined, including: the legal status and qualifications of the citizen investigators; their exact
modus operandi and standard of proof; their powers to seize evidence and interrogate witnesses; the structure, composition and powers of the decision-making tribunal and appeal mechanism; and the existence of a statutory instrument that enacts all these matters. On virtually all these points there is surprising divergence in the literature.

A bewildering diversity of oversight models emerged around the globe, reflecting the seemingly limitless variety of answers (or failures to answer) the above assumptions. Many of these models suffered partial or complete failure, due to a lack of political will (Freckelton, 1991, pp. 63-114; Terrill, 1991, p. 317; Luna & Walker, 2000, p. 99; Neild, 2000, p. 252; Herzog, 2000, p. 140; Goldsmith, 2000, p. 190; Manby, 2000, p. 221), or a poor deterrent effect (Herzog, 2000, p. 129), low probability of conviction, low certainty of punishment and a long investigation process (Herzog, 2000, p. 140; Walker, 2006a, pp. 6-7). Although Kerstetter (1985) and Goldsmith (1988), cited by Lewis (1999, p. 60), and Walker (2001, p. 62) have attempted to reduce the multitude of such oversight models to a small number of categories, it will serve the purposes of this review to simply refer to all such models as forms of ‘reactive’ oversight’ (Lewis 1999, p. 76): i.e. concerned only with an adequate response to an instance of police misconduct. Complaints investigation and subsequent disciplinary sanctions - the core features of a purely ‘reactive model’ - are intended to improve police conduct by deterring or re-educating police who err, or by removing recalcitrant officers (Brereton, 2002, cited by Prenzler & Lewis, 2005, p. 77).

Undeterred by the recorded problems with the design and implementation of ‘reactive’ oversight, a number of authors called for a further extension of ECO
powers, combining the reactive function with more proactive methods of deterring police misconduct (Lewis, 1999, p. 82; Lewis & Prenzler, 1999, p. 6; Brereton, 2000, p. 118; Auerbach, 1999, p. 8; Walker, 2001, p. 179; Maguire, 1991, p. 178; Newton Cain, 2002, p. 146). It is argued that, although a purely reactive system might – all other things being equal - deal well with individual misconduct, it nevertheless fails to cope with organizational underperformance (Lewis, 1999, p. 81; Goode, 1991, p. 147; Rowe, 2004, p. 132; O’Rawe & Moore, 2000, p. 292). It is also observed that the emphasis on complaints procedures has deflected analysis from other forms of police accountability (Landau, 2000, p. 64; Smith, 2004, p. 27; Bayley, 2006, p. 53). Although the proactive role is known variously as the ‘monitoring role’ (Walker, 2001, p. 179; Bayley, 2006, p. 20), ‘auditor approach’ (Walker, 2006b, p. 11; Luna & Walker, 2000, p. 91), ‘deterrence-evaluation’ approach (Bayley, 1992, cited by Lewis, 1999, p. 80), ‘inspection function’ (Police Inspectorate of Kosovo [PIK], 2006f, p. 2; PIK, 2007f, p. 3); “citizen’s watchdog” bodies designed to ensure integrity (Prenzler & Lewis, 2005, p. 77); and ‘policy review’ (Walker, 2001, p. 62), this research study will adopt Lewis’ term ‘holistic’ oversight of police where an agency combines reactive and proactive functions (Lewis, 1999, p. 84).

3.3 Citizen oversight and the causes of police misconduct

From the initially modest claim that citizen oversight might better meet public demands for a complaint system that is fair and transparent, advocates have developed the more ambitious concept of citizen oversight as a means of tackling the causes of police misconduct. It is argued that the experience of police forces throughout the world shows that prevention through citizen review boards is likely to be more effective in achieving integrity (Bayley, 2001; Goldsmith & Lewis, 2000; Mendes,
Zuckerberg, Lecorre, & Clark, 1999). Police misconduct, it is argued, is not a matter of “a few rotten apples but of failed organizations” (Walker, 2001, p. 5) and, therefore, the challenge of police accountability is not about how to get a few bad apples but how to fix organizations (Walker, 2001, p. 179; Herzog, 2000, p. 146; Lewis, 1999, p. 98). Advocates claim that the causes of complaint are the product (or at least influenced by) wider, systemic policies and practices within police organizations (Stenning, 2000, p. 158; Smith, 2004, p. 27; Landau, 2000, p. 75; Walker, 2006b, p. 19). Other policing scholars support this view (Cooper, 2012, p. 169; Punch, 2003, p. 172; Waddington, 1999a, p. 173).

The oversight debate forms part of a broadening interest in the causes of police corruption and misconduct (Pakes, 2010, p. 55-9; Waddington, 1999a, pp. 125-37). Police deviancy does not occur in a social, political and legal vacuum, but rather in a context that may potentially facilitate it or, in some cases, encourage it (Waddington, 1999a, p. 173). Therefore, Herzog tells us that police oversight that only focuses on individual misconduct is “doomed” to failure, since it has neither the mandate nor means to intervene in police policy and other organizational patterns that serve to encourage misconduct (2000, p. 146). The ‘holistic’ approach provides police oversight with the means of achieving deterrence (Brereton, 2000, p. 118), improving the quality of the police organization (Luna & Walker, 2000, p. 91) and is “more likely to create a self-sustaining culture of accountability” (Walker, 2001, p. 86). Moreover, such an approach understands the link between ineffective policing strategies and misconduct (Prenzler, 2000, p. 272). It is only when the reactive and proactive functions are combined in a holistic way that long-term change is made possible (Lewis, 1999, p. 82). The argument is essentially captured by Brereton’s
‘working hypothesis’: that oversight bodies which combine policy and investigative role are likely to be more effective in promoting [police] organisational and behavioural change than those which rely mainly on case-by-case investigation and review” (Brereton, 2000, p. 123).

In its most general sense, therefore, holistic oversight is a conceptual model that seeks to adopt a more comprehensive approach to tackling police misconduct and performance failures. If it is the case that instances of misconduct are causally linked to the cultural ethos and/or organizational features of the police, it follows that a proper remedy should go beyond a system of merely investigating individual complaints (Punch, 2003, p. 173). Policing scholars point to a number of documented cases of police organizations – particularly large metropolitan organizations – where there appeared to be good evidence of links between individual cases of serious misconduct and a pervasive culture and/or organizational acquiescence (Walker, 2001, pp. 19-31; Prenzler, 2009, pp. 8 – 14; Punch, 2009, pp. 56 – 88; Savage, 2007, pp. 23 – 45; Lewis, 1999, pp. 35 – 51; Waddington, 1999, pp. 125-37). Whilst these cases appear to belong to an extreme point on a scale of possible police misconduct or performance failure, the argument in favour of a more profound and comprehensive approach to tackling the causes of complaints seems incontrovertible.

What remains to be made clear is the most effective formula for identifying the broader causal factors and dealing with them appropriately. Only a few features of that formula seem to have won consensus and unambiguous definition: that the oversight should be conducted by an agency that is civilian and independent of the police (Walker, 2001, pp. 61 – 67; Manby, 2000, pp. 212 – 213; Stenning, 2000, p.
156; Lewis, 1999, p. 68). However, much less agreement is found concerning the *modus operandi* of the agency. As Waddington (1999, p.167-8) points out there is an increasing involvement of non-police in complaints investigation and oversight. A shift toward greater civilian control of both ‘reactive’ and ‘proactive’ oversight functions is evident in England and Wales, and Northern Ireland, with the creation of the *Independent Police Complaints Commission* (IPCC) and *Police Ombudsman for Northern Ireland* (Savage, 2007, pp. 70-74, 193; PONI, 2011). Independent of interest groups, political parties and police control, the IPCC has a legal duty to oversee the whole of the police complaints system and proactively influence ‘policing excellence’ through its ‘guardianship role’ (IPCC, 2012; Jones, 2008, p 711-12; Markham & Punch, 2007a, p.304).

Although the IPCC has attracted criticism, in terms of its claimed poor performance in investigating complaints (Davies, 2008; Robins, 2008; Rowe, 2004, p. 132), particularly the potential of its ‘guardianship role’ in the holistic oversight debate, it is acknowledged to be an improvement on what went before (Jones, 2008, p. 718). ‘Guardianship’ means that the IPCC should promote public confidence by *inter alia* “promoting policing excellence by drawing out and feeding back learning arising from the IPCC’s work” (Independent Police Complaints Commission, 2012a).

The European Partners Against Corruption’s stated in 2011 that ‘Police Oversight Principles’ reflect the growing interest in the development of ECO agencies across Europe, largely in concurrence with the requirements of the advocates (EPAC, 2011). A survey of the 27 EU member states found that 59% employed the use of a specialist body to deal with complaints against police, albeit with very different
structures and compositions (den Boer & Fernhout, 2008, pp. 8-10). However, a number of European states have adopted an approach similar to the holistic model. Belgium’s Standing Police Monitoring Committee (or Comité P.), established in 1991, is the longest serving citizen oversight body (Comité P, 2011). It is answerable to parliament and has the powers to inspect and monitor the police, and investigate complaints (Smith, 2010, p. 65). Portugal’s Inspeção-Geral da Administração Interna (IGAI) and France’s Commission Nationale de la Déontologie de la Sécurité (CNDS) have similar powers to the Comité but not the express powers to investigate complaints (IGAI, 2011; CNDS, 2011). Other examples include the Northern Ireland Ombudsman’s Office (Savage, 2007, pp. 70-74, 193; PONI, 2011), the Independent Authority for Investigation of Complaints and Allegations against the Police for Cyprus that became operational in 2007 (IAIACAP, 2011), and the Garda Síochána Ombudsman Commission (GSOC) for Ireland which started in 2007 (GSOC, 2011). Beyond Europe there are yet more examples of oversight agencies that are both civilian and independent of the police. The vexed question of whether any of the multiplying examples of ECO can demonstrate greater effectiveness remains open to a lively debate, largely led by Australian policing scholars (see section 3.9 below).

3.4 Policy review as a means of reducing misconduct/performance failure

The proposition, therefore, is that holistic oversight can go far beyond the ‘case-by-case’ remedy of allowing the (exclusive or shared) investigation of complaints by non-police experts (reactive function), and introduce proactive non-police powers to intervene in police organizations. This marks a seismic shift in the original argument of advocates, such as Lewis, Prenzler and Walker. No longer simply the narrow case of ensuring that complaint investigation is seen to be fair and objective, the argument
has broadened to the far more ambitious agenda of obviating or ameliorating those organizational causes of police misconduct. How exactly might a non-police, external agency act in a way that could correctly identify and change factors within a police organization that have a causal link to patterns of misconduct?

Advocates propose a number of proactive oversight activities to achieve the goal of organisational change: auditing the quality of complaint investigations, (Walker, 2001, p. 86); increasing public awareness through publication of reports and other information (Herzog, 2000, p. 143); public outreach (Stewart, 2006a, p. 148); external performance monitoring and auditing mechanisms (Chan, 1995, p. 8; Bayley, 2006, p. 20); providing a ‘guardianship role’ (IPCC, 2012); mediation in policy issues (Quinn, 2006, p. 145); policy innovation, education and proactive problem solving (Walker, 2001, p. 86; Lewis, 1999, p. 82; Stewart, 2006b, p. 170); and monitoring and enforcing policing standards and learning lessons about policy and practice (EPAC, 2011, p. 6). Although advocates of the holistic approach differ as to the exact methodology to be adopted, there is broad support for the proposal that change can be achieved by recommending revisions to police policies and procedures (Lewis, 1999, p. 85; Walker, 2001, p. 62; Neild, 2000, p. 253; Newton Cain, 2002, p. 146; Brereton, 2000, p. 123; PIK, 2006f, p. 7; Miller, 2003, p. 33; Walker, 2006b, p. 15; Jerome, 2006, p. 39; Buren, 2007, p. 111).

The proposition that organization-related misconduct can be reduced through policy changes raises a host of technical and political issues that would need to be resolved. In most countries (or territories) an oversight agency with policy changing (or recommending) powers would not emerge within a political vacuum: it would
often have to find its place among other, more established, political entities that have authority to hold the police to account. There is a need, therefore, to clarify the position of the proposed oversight agency within the pre-existing political framework and its level of authority in relation to other, pre-existing entities. There is also a need to define the exact scope of the policy review role of the agency, consider any overlap with other entities, and its impact on the contentious issue of the independence dynamic. In addition, it is important to decide whether the oversight agency would adopt a restricted approach and simply base policy recommendations on issues that arise from particular instances of misconduct or adopt a more comprehensive review of policies and procedures.

Is the agency an alternative or simply an extension of the existing arrangements? For example, Her Majesty’s Inspectorate of Constabulary (HMIC) and the Audit Commission can be viewed as extensions of the tripartite accountability system in England and Wales, although they entered the stage after the 1964 Police Act that brought the tripartite system (Oliver, 1997, p. 73; Rowe, 2004, p. 124). Although neither qualify as holistic (since they lack ‘reactive’ functions), they both act as ‘proactive’ oversight agencies and generate recommendations that are based on research and designed to inform those in the tripartite structure (local, central and independence dynamics) with authority to change policies and procedures (Oliver, 1997, p. 75). Whereas, the Queensland Criminal Justice Commission (CJC) of Australia represents an alternative to pre-existing, accountability mechanisms.

In terms of policy scope, the literature reveals a mixture of views. Some policing scholars advocate a close link between proactive policy recommendations
and the reactive functions of an oversight agency: in other words, recommendations should only feed off data derived from complaint investigation (Lewis, 1999, p. 98; Walker, 2001, p. 93; Walker, 2006b, p. 14). This restrictive approach is exhibited by agencies that are said to be more effective, such as the Queensland Criminal Justice Commission (CJC) in Australia (Lewis, 1999, p. 83) and those US agencies that Walker (2001, p. 62) categorises as Class III (or “auditor systems”), such as Portland Police Internal Investigations Auditing Committee (PIIAC) and San Jose Independent Police Auditor (IPA). Although a similar approach is envisaged in the ‘guardianship role’ defined by the legal framework of the Independent Police Complaints Commission (IPCC) (Savage, 2007, p. 72; Independent Police Complaints Commission, 2012a), more data is required on its efficacy to date. Available research points to revised policies derived from trends in misconduct that concern areas such as recruitment, training, assignment, supervision, and discipline (Walker, 2001, p. 183; Lewis, 1999, p. 84).

However, other research in the US suggests that a number of oversight agencies tend to make recommendations on ‘any and all matters of police policy’ (Luna & Walker, 2000, p. 87). ‘Organisational and behavioural change’ is a complex process (Senior, 2002, p. 57) and not easily achieved in police organisations in developed democracies with well-entrenched constitutional traditions (Auerbach, 1999, p. 3; Bayley, 2001, p. 34). The claim that “five to ten policy recommendations” annually can create a long-term impact on the operations and culture of the police (Luna & Walker, 2000, p. 95; Walker, 2001, p. 93) must be thoroughly tested and contrasted with more comprehensive reform programmes, such as Bayley’s “effectiveness, efficiency and rectitude” (1994, p. 79) proposal and the more practical
bases for police legitimacy (Walker, 1993, p. 142). In order to evaluate the argument that policy change can have a significant impact on conduct, it will assist if the term ‘policy’ is properly understood.

3.5 Meaning of policy as a vehicle for reducing misconduct

If policy change is the golden key to sustainable reduction in police misconduct, it posits the critical question of the meaning of policy and how changes in policy link to behavioural change. What exactly is meant by the term policy in the context of policing? Sossin (2003, p. 14) captures the problem in a simple question: is the decision to create a hate crimes unit within a police organisation a policing decision, a policy decision or a political decision? The issue is not one of semantics. It draws the proposition that policy change can reduce misconduct into the eye of a long-standing debate in the literature concerning police ‘independence’ (Waddington, 1999a, pp. 186 – 188), a discussion that Sossin (2003, p. 4) characterizes as concerned with the “policy/operation dichotomy”.

Although often focussed in England and Wales on common law decisions (Lewis, 1999, p. 12) and the shortcomings of the 1964 Police Act’s ‘tripartite’ system of accountability (Reiner, 1993, p. 18; Oliver, 1997, p. 81; Maguire, 1991, p. 177; Simey, 1988, p. 94), the debate is very relevant in a number of other countries (Stenning, 2003, p. 80; Lewis, 1999, p. 12). In broad terms the issue concerns the exact boundary of the principle that law enforcement requires independence of arbitrary interference by the executive (Miller & Palmer, 2002, p. 110). Delimiting police independence has turned on a distinction between (police) ‘operational’ and (executive) ‘policy’ matters (Sossin, 2003, p. 73) - classifications that have been
judged as hackneyed, overlapping, and arbitrary by Reiner (2000, p. 188). Much of the debate reveals a “bipolar situation of pro-police and anti-police camps”, viewing the police as either guardians of law enforcement or as violators of the rule of law (Sossin, 2003, p. 3). On one side, scholars see independence as the heart of the problem and accountability as a matter of ‘how to control police actions’ (Sanders, 1993, p. 106; Reiner, 2000, p. 169; Maguire, 1991, p. 178; Lewis, 1999, p. 13); whereas others urge that it is “extremely unwise” to undermine senior police executives (Walker, 2001, p. 103) and “induced compliance is almost always preferable to exacted deterrence” (Goldsmith, 1991, p. 56). This preference accords with one former chief officer’s view that police management style must strike a balance between the need for an appropriate degree of (accountability) control and the demand for police freedom of action and discretion to plan and control their work (Butler, 1992, p. 67).

Although it is questionable whether the policy/operation dichotomy actually corresponds to a readily identifiable boundary (Sossin, 2003, p. 4), the need to distinguish legitimate government interests from illegitimate or partisan ones is particularly relevant to the policy role of holistic oversight, and the suggestion that it might reduce misconduct. Patten (1999, p. 32-3) points out that the concept of operational independence lacks a basis in legislation and suggests that the term ‘operational responsibility’ more accurately captures the required distinction between the need to allow senior officers to make operational decisions free from political interference and, at the same time, ensure that they are held to account for those decisions. Patten’s insight, once accepted, would not only dissolve a tortuous debate, but establish greater clarity concerning the reciprocity of responsibility and
accountability in policing. Notably, it would create a basis for holistic oversight based on comprehensive policy review rather than a more restrictive approach, linked to police complaint data alone.

3.6 The locus of police accountability

The framework of police governance and accountability is part of a range of processes and institutions that shape ‘democratically accountable’ policing: the extent to which this framework is effective depends crucially upon its relationship with the variety of other mechanisms, at both individual and organisational level, and within wider society (Jones, 2008, p. 694). Where then, according to holistic oversight proponents, should this means of ensuring accountability fit within the existing political architecture? In other words, what is the most appropriate locus of police accountability, or to whom or what should an oversight agency report in the existing political structures?

These questions linger unresolved from the police oversight precursors of Prenzler & Faulkner’s ‘model commission’, a new type of oversight agency that will be discussed in more detail later. As noted, whilst there is broad agreement that the police should be held to account, there is less agreement about to whom the police should be accountable (Adams, 2010, p. 234). It is arguable that Prenzler and Faulkner fail to resolve the vexed question as to where their ‘model commission’ fits within the existing governmental architecture. It is, as they explain, a matter of achieving a balance between “independence from political interference and accountability to citizens” (2010, p. 258). Whilst they and others state a preference for cross-party parliamentary oversight committees (2010, p. 258; EPAC, 2011, p. 6;
Lewis & Coghill, 2005, p. 64), others suggest alternative structures. In the US, for example, oversight agencies are the creation of local government and exercise authority on its behalf (Petterson, 1991, p. 270; Walker, 2001, p. 180), thereby positioning them as an extension of the local dynamic and not an alternative. It is argued that the police should be accountable to locally elected authorities (Godfrey, 2007, p. 498).

Reiner (1993, p. 16) sees no risk in local politics and seems to exclude the role for oversight agencies, since the “ends to which [police] policy is directed is a political not a technical question, which should be determined by the electorate, not ‘experts’”. In other words, police accountability – in relation to policy decisions – cannot and should not be delegated to an external oversight agency, whatever its composition or technical methodology. This view seems to find support from a leading American police expert. According to Bayley (1982 cited in Waddington, 1999b, p. 203) political culture is far more important in determining whether policing is “congruent with the values of the community” than is either the mode of accountability procedures and forums, or the structure of the police organization. However, it is difficult to imagine how the objective of a more harmonious correspondence between policing practice and communal values (Reiner, 2000, p. 183) might be achieved in a non-partisan or supra-partisan manner without some technical support to local authorities.

It has been extensively argued that accountability must involve getting accurate information (Coliandris, Rogers & Gravelle, 2011, p. 204; Great Britain. Home Office, 2010, p.19; Neild, 2000, p. 235; Oliver, 1997, p. 187; Simey, 1988, p.
74; Cail, 2006, p. 73) and, according to one practitioner, English and Welsh local authorities in the 1980s lacked information, not least because they could not access HMIC reports at that time (Simey, 1988, pp. 80-81). Indeed, they had to rely upon Chief Constables to give them the information required to exercise local governance (Millen & Stephens, 2011, p. 267). Research suggests that the failure of the envisaged ‘partnership’ between police and police authority was due to the lack of ‘analytical capacity’ in the police authorities (Weatheritt, 1993, pp. 28–29). Moreover, one study indicated that, in the absence of accurate data and analytical capacity, the police authority members lacked the understanding required to ask searching questions, and were overly deferential toward senior police officers (Millen & Stephens, 2011, p. 280). Reiner’s vision of local authority control over policing policy risks failure: it will either continue as the ‘junior partner’ of the tripartite system (Rowe, 2004, p. 124; Oliver, 1997, p. 184) or, as in the US and other countries, become the focus of a pro-police lobby that sees the war on crime as more important than claims of police abuse (Savage, 2007, p. 22; Walker, 2001, p. 9; Freckelton, 1991, p. 68).

Other policing scholars insist that ECO agencies must be independent of the executive (EPAC, 2011, p. 6; Lewis, 2000, p. 35; Bayley, 2006, p. 52), and – like Prenzler and Faulkner - advocate a system whereby an agency is appointed, funded and reports to all-party parliamentary committees (Lewis & Coghill, 2005, p. 64; Lewis, 2000, p. 36; Sossin, 2003, p. 49). Interestingly, EPAC’s published principles support the idea that an oversight body should not be part of the executive but “should report directly to Parliament” (2011, p. 6). According to Waddington, the case for bringing policing firmly under the control of elected representatives is more compelling than most of the other responsibilities of politicians (1999a, p. 185). In
order to be independent, an ECO agency should be answerable to Parliament or a body of elected representatives that does not have express responsibility for policing (Smith, 2010, p. 67).

Placing an oversight agency under parliamentary rather than executive control, it is argued, would help avoid undesirable partisan influences (Stenning, 2003, p. 8) and remove it from a well-noted risk of failure for all forms of civilian oversight, namely a lack of political support from elected officials (Luna & Walker, 2000, p. 99; Lewis, 2000, p. 29; Freckelton, 1991 pp. 63-114; Manby, 2000, p. 221). However, this strategy is not infallible, since elected officials must represent popular interests in order to gain re-election. Torn between two potentially exclusive and competing political demands - the need to meet public expectations of greater crime control and the obligation to respect the rights of citizens in compliance with the law (Walker, 2001, p. 7; Sossin, 2003, p. 39) - elected officials have often seen more political merit in fighting crime at the expense of an oversight agency that champions human rights (Manby, 2000, p. 221).

According to Waddington the term “political” in liberal democracies is equated with the electoral representation of partisan interests that might be less concerned with pursuing justice than with achieving advantage for those they represent (Waddington, 1999a, pp. 192). What seems not to have occurred to proponents of democratic control is that elected police authorities might insist upon more “law and order” to the disadvantage of marginal groups. In the United States there has been a pronounced shift since the 1970s towards aggressive law enforcement championed by elected representatives under such slogans as the “war on
drugs” (Waddington, 1999a, p. 198). Indeed Waddington (1999a, p. 199) argues that there is a directly democratic reason why political control of the police does not produce enlightened policing - there is little public appetite for it.

3.7 Authority to influence the causes of misconduct

Related to the question of a holistic oversight agency’s position in the existing political landscape is its level of authority in the eyes of the police. Policy review seems to imply what Marshall (2005, p. 633), calls an ‘explanatory and co-operative’ approach, as opposed to the ‘subordinate and obedient’ approach that characterises Reiner’s (1993, p. 18) call for police control by locally elected officials. The former is popular in the US, where oversight agencies do not have the power to dictate policy (Walker, 2006b, p.19), perhaps the result of local government deference to police concerns that giving oversight agencies policy-making authority would undermine their management authority (Walker, 2001, p. 102; Miller 2003, p. 41; Walker, 2006a, p. 2). Yet such deference might explain the apparent lack of efficacy of the ‘explanatory and co-operative’ approach. For example, Walker’s (2001, p. 94) brief survey of oversight agencies in the US found that of those authorised to conduct policy review only some make use of it, and of those, only a few appeared to be effective in terms of recommendations acted upon, such as improved crowd control measures (Walker, 2001, p. 98) and reductions in police shootings of citizens through changes in supervision (Walker, 2001, pp. 94-100). Other research found that many US agencies ‘lacked teeth’ and acted more as advisory boards (Luna & Walker, 2000, p. 95).
Although more research is required (Luna & Walker, 2000, p. 90; Brereton, 2000, p. 119; Walker, 2006b, p. 17), the limited data suggests that the use of the ‘explanatory and co-operative’ approach seems to have had less impact on police standards of conduct than advocates of reform would have predicted (Brereton, 2000, p. 123). Moreover, the central themes of political support of the executive and police co-operation (Miller, 2003, p. 39) require closer examination as determining factors in cases of success and failure. Research into failed US agencies reveals that they generally suffered from limited powers, insufficient ‘political will’, lack of commitment on the part of elected officials and, significantly, an inability to deal with opposition from the police and their political allies (Luna & Walker, 2000, p. 99). At the opposite extreme there is a growing concern in the literature with what is termed as ‘regulatory capture’ by police (Savage, 2012, p. 3; Prenzler, 2004, p. 87-88; Prenzler, 2000, p. 662; Makkai and Braithwaite, 1992, p. 62). Prenzler defines this as ‘the techniques by which the group being regulated subverts the impartiality and zeal of the regulator’ (2000: p. 662). This can occur where the agency is populated by serving or former police officers (Prenzler, 2000, p. 664). According to EPAC (2011, p. 7) the oversight body should be “sufficiently separated from the hierarchy of the police”.

Other evidence suggests that success stories such as Australia’s Criminal Justice Commission (CJC) - an exemplar of an agency that “can make a significant contribution to the process of police reform” (Brereton, 2000, p. 120) – requires detailed examination of the role of the executive in its success. Reported CJC police reform successes (Criminal Justice Commission [CJC], 1997; Lewis, 1999, p. 83; CJC, 2001) may have resulted from political factors other than the CJC, including
replacement of senior police management, substantial reforms to recruitment and training practices, government reviews of management practices, and the retirement of many ‘old school’ officers (Brereton, 2000, p. 121).

The factors that influence police co-operation with oversight agencies require more detailed examination. Whilst Walker (2001, p. 103) argues that there are secondary benefits of public awareness and debate about police practices when the police reject or substantially modify an agency’s recommendations, the promise of the primary goal of police reform demands an examination of police perceptions of the agency and the quality of its work. A vital ingredient is appropriate training and professional expertise (Jerome, 2006a, p. 36; Jones, 2006, pp. 61, 67). For example, the Audit Commission in England and Wales, an ECO agency that employs the ‘explanatory and co-operative’ approach, has successfully demonstrated an ability to command police attention, if it has the right mix of legal status and powers, specialist expertise, independent professional authority and a secure knowledge base (Weatheritt, 1993, pp. 33-34).

3.8 Alternative triggers of policy change
Some data suggests a need to think again, and move away from thoughts of more powerful, all-encompassing jumbo commissions. Research suggests that the majority of complaint cases do not involve serious misconduct. For example, a study of complaints in Queensland, Australia (between 1991 and 2001), found that just 14% of complaints against police alleged criminal conduct or corruption (Ede & Barnes, 2002, p. 116); and a study of IPCC workload found that approximately 21% of complaint cases alleged serious misconduct (Harrison & Cunneen, 2000, p. 9). There
is also a growing awareness that “mediation” can effectively resolve many of these complaints, to the satisfaction of the complainant and the officer involved (Walker, Archbold & Herbst, 2002, pp. 6 – 11; Ede & Barnes, 2002, p. 118). In addition, complaints can be significantly reduced by detecting patterns of complaints and, where appropriate, intervening in individual cases of errant officers (Macintyre, Prenzler & Chapman, 2008, p. 244). These initiatives place more emphasis on encouraging police organizations to reform from within, rather than rely upon the intervention of external agents of change.

In response to the issue of the adequacy of existing measures some proponents of holistic oversight claim that unless there is an agency with authority to conduct proactive and own motion investigations into allegations of corruption and misconduct, such behaviour will “remain hidden” (Prenzler & Faulkner, 2010, p. 255). This seems a rather tendentious claim, given the likelihood of a number of relevant causal factors in the exposure of corruption and the prosecution of its perpetrators. For example, in the case of British Members of Parliament submitting false and fraudulent claims for expenses, it is arguable that it was the availability of information, media interest, aggressive journalism and subsequent public concern that were the catalysts for a thorough investigation and necessary action (Brook, 2009; Newell, 2010). This same point seems to be implied by the authors’ reference to the numerous revelations about corruption in New South Wales and Queensland that resulted in decisions to introduce police integrity and anti-corruption commissions (Prenzler & Faulkner, 2010, p. 255). An important feature of accountability concerns access to accurate information (Neild, 2000, p. 235; Oliver, 1997, p. 187; Simey, 1988, p. 74; Cail, 2006, p. 73) and in liberal democracies the media is often more
It is arguable that in some societies there is a broader, pre-existing web of police accountability. This web includes the watchdog function of the media, and the general openness and visibility of political processes and institutions (Jones, 2008, p. 695).

### 3.9 Holding accountability theory to account

The broad lines of consensus about the core features of holistic oversight are now much clearer. What must now be addressed is whether the literature reveals evidence to support the admittedly attractive theory that underpins the concept. Professor Tim Prenzler of the Australian Research Council Centre of Excellence in Policing and Security (CEPS), Griffith University, has been at the vanguard of research into police corruption, its prevention and detection, for over a decade (Prenzler, 2000; Prenzler, 2002a; 2002b; Bassett & Prenzler, 2002; Prenzler & Ransley, 2002; Ede, Homel, & Prenzler, 2002; Prenzler, 2004; 2005; 2009a; 2009b; Ransley, Anderson, & Prenzler, 2007). In the article entitled, ‘Towards a model of Public Sector Integrity Commission’, Prenzler and Faulkner (2010, p. 251) explore and extend the debate about structured approaches to defeating police corruption.

The holistic oversight theory is probably best represented by Prenzler and Faulkner’s definition of the ‘model commission’ as an oversight entity characterised by eleven criteria\(^5\) (2010, p. 259). Neither the criteria – a familiar mix of reactive and

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\(^5\) 1. Conduct own motion investigations; 2. Require attendance and answers to questions; 3. Hold public hearings; 4. Apply for warrants to search properties and seize evidence; 5. Engage in covert tactics – including listening devices, optical surveillance, undercover agents and targeted integrity tests; 6. Directly investigate the most serious and intermediate matters; 7. Make disciplinary decisions and manage a mediation program; 8. Conduct research and risk reviews aimed at improving procedures and preventing misconduct; 9. Engage in public sector ethics training; 10. Prosecute complainants who are
proactive functions - nor the underlying proposition are original. The proposition strongly echoes the claim of Brereton (2000, p. 123) that only such an oversight body (combining reactive and proactive roles) is likely to be effective in promoting [public sector] organisational and behavioural change. It is clear that the principle that lies behind Prenzler and Faulkner’s proposition finds some support among other external oversight advocates (Walker, 2001, p. 79; Maguire, 1991, p. 178; Newton Cain 2002, 146). The question is whether the present debate, unlike previous contributions, can bring forward comparative data to demonstrate the point: in other words, to demonstrate that the model commission is more effective than alternative remedies, and indicate those features and methodologies that give the new model an advantage over alternative approaches (Walker, 2001, p. 184).

In a radical step beyond the holistic oversight of police model, Prenzler and Faulkner propose a ‘model commission’ – an oversight agency that ensures accountability in respect of all public service organizations. What is proposed by Prenzler and Faulkner, therefore, is a ‘model commission’ that employs all of the ideal features of holistic ECO of police, yet goes far beyond the police in terms of scope. The ‘model commission’ will target corruption and misconduct in all public sector organisations, police included. The authors’ proposal includes all of the preferred features of reactive oversight of police: ‘own motion’⁶ investigations; power to require attendance and interview; public hearings; warrants to search and seize; and covert surveillance (Prenzler & Faulkner, 2010, p. 259). In addition, the authors refer to what have been described as ‘proactive’ features: conducting research and reviews patently vexatious; and 11. Account for its work using a variety of performance measures, including stakeholder satisfaction, prosecution outcomes and case study reports.

⁶ The term “own motion investigations” refers to the (lawful) capacity to take the initiative in targeting a suspected offender (or group of offenders), rather than simply wait for a complaint to be made.
to improve procedures and prevent misconduct, and engage in ethics training (idem). In building the case for the ‘model commission’ the authors draw on survey data that provides important insights into the more restricted case of citizen oversight of police.

The ‘model commission’ must inevitably be dogged by the same problems that its police oversight precursors continue to face: the unrequited search for unambiguous measures of efficacy (Brereton, 2000, p. 123). It is noteworthy that Prenzler and Faulkner admit at the outset that there are “no accurate measures of public sector misconduct and integrity which can be used to assess the impact of different systems” (2010, p. 252). Whilst the ‘model commission’ might gain further momentum in Australia on the basis of strong public approval alone, the question is whether the authors can deliver a sufficiently reasoned argument to show how it might succeed in “ensuring probity in the public sector” in other parts of world. On that matter the jury is yet to return.

3.10 Some conclusions

Much of the foregoing research provides strong evidence in support of the conclusion that the efficacy of an oversight agency is very much contingent upon its political context (Neild, 2000, p. 233; Flemming & Lewis, 2002, p. 94; Buren, 2007, p. 37; Loveday, 1999, p. 149). Whilst the holistic approach is not a panacea even in an appropriate political context (Buren, 2007, p. 39), evidence suggests it may be ineffective or superfluous as a means of police reform within an inappropriate political context. In some contexts alternative ‘change agents’ might be more cost effective and efficient methods of achieving desired police reforms, such as the media (Jones, 2008, p. 695; den Boer & Fernhout, 2008, p. 4; Arnold, 2004, p. 3), NGOs
(Chukwuma, 2006, p. 9; Neild, 2000, p. 235) the local executive (Oliver, 1997, p. 68), and public enquiries triggered by ‘system failures’ (Savage, 2007, pp. 33, 36). Just as it is cogently argued that the “crucial issue” in regard to reactive oversight is not who does the investigating but the terms on which it is done (Reiner, 1991, p. 228; Terrill, 1991, p. 294; Smith, 2004, p. 15), the same principle might be applied to proactive functions, such as policy review as a means of reducing misconduct. In other words, if policy review is inadequate then the solution might be to change the process rather than the political actors.

The case in favour of holistic oversight - as a more effective mechanism of behavioural change in police organisations – has not yet been clearly demonstrated through research. Setting aside the question of where a holistic oversight agency should (or could) fit within an existing framework of police accountability mechanisms, there are several closely related assumptions in the holistic oversight literature that are insufficiently explored. Research suggests that behavioural change through organisational reform is a highly complex goal that is difficult to achieve and verify. This suggests a need for considerable technical expertise in a successful holistic oversight agency and a corresponding capacity in the police organisation to interpret and implement policy recommendations. Jones (2008, p. 694) argues that an over-reliance upon external controls may actually be counterproductive if they foster indifference or resistance within policing organisations and weaken internal monitoring systems. This suggests that there must be a degree of balance in the responsibilities of the oversight agency and its host, as well as a degree of correspondence in the technical capacity to bring about the desired changes.
There seems to be a limited appreciation among holistic advocates of the
difficulties encountered in achieving behavioural and organisational change. The
point is best made by asking whether, all other things being equal, the holistic remedy
would have precluded the utter shambles of the Dutroux Affair (Punch, 2003, pp.174-
180) or the “professional incompetence” of the Stephen Lawrence case (Newburn,
2008a, p. 97). Research suggests that the laudable aims of holistic oversight are not
easily achieved, even with the weight of the legislature and executive behind them.
What advocates seek is broadly similar to the ambitions of ‘New Public
Management’, a public sector reform strategy embraced by a number of governments
and which research has found difficult to assess, in terms of efficacy in bringing about
positive improvements in public service provision (Dawson and Dargie, 2002, p 44;
Mullins, 2004, p. 959). Research into the efficacy of efforts to reform police
behaviour in the UK reveals similar problems: for example, post-Lawrence Inquiry
reforms (Great Britain, Home Office, 2005, p. 58), efforts to eradicate racist attitudes
(Her Majesty’s Inspectorate of Constabulary [HMIC], 1999, pp. 53-4; Rowe, 2004, p.
29; Reiner, 2000, p. 134 ), the introduction of ethical interviewing techniques (Clarke
& Milne, 2001, cited by Milne, 2007, pp.56 & 96), and equal opportunity reforms
(Equal Opportunities Commission, 2007, p. 5; Morris Enquiry 2004, 1.21). Such
research has made some question whether revised policies or legislation or training
can automatically bring about a desired transformation of police behaviour (Newton
Cain, 2002, pp. 147, 149).

These problems in effecting public sector reform strongly suggest that if
holistic oversight is to succeed it must demonstrate an appropriate level of technical
expertise, regardless of whether it adopts a restricted (i.e. purely linked to complaints data) or unrestricted ‘policy review’ approach. Although there is limited data regarding their efficacy, HMIC and the Audit Commission – agencies that pursue a broad policy review agenda - demonstrate a high degree of technical proficiency in terms of methodology and human skills (Savage, 2007, p. 97). Such a degree of technical capability has important cost and economy of scale implications, such as to preclude the idea of introducing holistic oversight in respect of relatively small police organizations. This implication finds support in the apparently weak performance of agencies in the US (Walker, 2001, p. 94). At the same time, there must be a corresponding capacity to effect changes among police managers.

The policy review and recommendation approach respects the principle of police autonomy and responsibility, and implies a technical capacity to interpret and implement recommendations, and evaluate the results. Whilst UK police organisations have witnessed an evolution of internal and managerial accountability in response to policy review and recommendations from HMIC, the Audit Commission and Home Office (Oliver, 1997, p. 182; Reiner & Spencer, 1993, p. 172; Pagon, 2002, p. 166; Elliott, 2002, p. 198), such capacity development cannot be simply assumed in all cases. Likewise, the internally-driven reform in England and Wales that Savage (2007, pp. 126-7) documents, points to the necessity of an internal capacity to effect change. Police reform is a complex process that implies change or modification of a structure system “without altering the fundamental social or political order underpinning it” (Coliandris, Rogers & Gravelle, 2011, p. 200). If police reform is to work, the policy advice of the oversight agency must be reciprocated by a sufficient internal police capacity, in terms of leadership and change management (Hutchinson,
2010, p. 239). Some research highlights the capacity for bottom-up reform: i.e. encouraging patrol officer initiative to generate improved performance and conduct (Toch, 2008, pp. 67-70). Although Bayley (2008, p. 14) might be correct in stating that police reform is rarely initiated from within, externally-prompted change cannot succeed without a capacity and will to change within the organization.

Although Walker (2001, pp. 86-7), Bayley (1983, p. 158) and Goldstein (1990, p. 48) recognise the ideal announced by the European Code of Police Ethics (Council of Europe – Committee of Ministers, 2001, Para. 64), that of the police themselves being responsible for police reform through research, policy innovations and education, there seems little recognition of the need for a sufficient degree of internal capacity to allow the holistic model to operate. There is support from at least one UK example that “timely, robust and quality research” can drive improvements in policing (Dawson, & Williams, 2009, p. 373), although the argument seems more concerned with efficiency than conduct. The proposition that policing can and does improve through academic research finds broad support among senior serving police officers and academics (Gravelle & Rogers, 2010; Stanko, 2009, p. 310 – 3011).
Chapter Four

Methodology

4.1 Introduction

As indicated in Chapter 1, the overall aim of this research study is to attempt to answer the question of whether external citizen oversight (ECO) agencies or their procedures are associated with lower levels of police misconduct. Chapters 2 and 3 have assisted in establishing the more precise parameters of the question, by identifying the conceptual framework that underlies the various expert proposals about oversight agencies in the literature. Theories about ECO have been placed within the broader context of the police governance debate, and the more important problems associated with the competing dynamics of governance have been recognized. This work has sought to set the stage for the main part of the research which will focus on a case study in Kosovo.

The present Chapter will consider the methodological issues related to the objective of exploring the broader hypothesis that ECO is associated with improved conduct, by critically examining the Police Inspectorate of Kosovo (PIK) as a case study. It will include a critical evaluation of the potential use of qualitative and quantitative methods, as well as the possible benefits of adopting a mixed methods approach. Finally, it will present arguments in favour of those methods that were used
to obtain data about the beliefs, attitudes and perceptions\(^7\) of KP officers about external oversight, and their implications for improved policing standards and reduced misconduct.

### 4.2 Use of a case study

The use of the PIK as a case study is the central and most important feature of this research. It represents an opportunity to answer Walker’s question, provide a more in-depth understanding of the particular case (Willig, 2008, p. 74; Buren, 2007, pp. 4-5; Hayden & Shawyer, 2007, p. 51; Ruona, 2005, p. 238; Yin, 2003, p.1), and add to the corpus of knowledge regarding ECO and the factors that influence its efficacy. Robson (2002, cited by Saunders, M., Lewis, P. & Thornhill, 2003, p. 93) defines a case study as “a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context”. The PIK – founded in 2006 - represents one the first ECO agencies in eastern Europe and the study will try to explore its impact on misconduct among Kosovo Police officers, and its efficacy relative to the police-centric system that preceded it.

From a theoretical perspective the overall research strategy is akin to what scholars call ‘explanation building’ - a process of testing a theoretical proposition (e.g. Walker’s hypothesis) by constructing an explanation of certain factors that influence the efficacy of ECO oversight while collecting and analysing evidence (Saunders et al, 2003, p. 391). This approach involves testing and amending the hypothesis through a series of iterations of data collection and analysis, thereby

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\(^7\) These terms are used in that sense described by Oskamp, & Schultz (2004, p. 9) as a “cognitive component” – i.e. ideas and beliefs one has about an object.
arriving at an increasingly accurate description of the relevant causal factors and the way they impact upon the efficacy of a holistic oversight agency.

The case study research will fall into two general components: the source of data for the first component is secondary and the second is primary (Saunders et al, 2003, p.188/9; Hayden & Shawyer, 2007, p. 57). Secondary data is the data that have been already collected by and are readily available from other sources (Saunders et al, 2003, p.188/9; Hayden & Shawyer, 2007, p. 57): e.g. information that is available in the quantitative or qualitative data in published articles, in the form of text, graphs, and appendices. Such data are cheaper and more quickly obtainable than the primary data and also may be available when primary data cannot be obtained at all. Most importantly, secondary (documentary) data sources in a case study can be used to help ensure reliability and validity of primary data sources (i.e. interview and questionnaire data) by cross-checking data results (Yin, 2003, pp. 85-88). Such use of several primary and secondary sources in a case study is referred to as ‘triangulation’ (Hayden & Shawyer, 2004, pp. 51-52; Yin, 2003, p. 97).

In the first (secondary data) component the PIK case study will be explored through certain documentary evidence, including: legislation that defines the PIK structure, powers and responsibilities; and PIK inspection reports and annual reports. In addition to confirming the extent to which the PIK matches the criteria proposed by ECO advocates in the literature, this data will yield important findings about the way in which the PIK might claim to influence levels of police misconduct and improve standards. The second component will be concerned with gathering primary data.
about the beliefs and perceptions of KP officers about the performance of the PIK and the way it influences police behaviour.

The results of the data gathered under the first component of the case study (secondary data) are explored in Chapter 5. It looks at the evidence for and against the PIK as a valid instance of ECO, as per the requirements of scholars in the literature. The chapter then explores the available evidence in PIK reports that it has had an impact on the KP that could be interpreted as reducing misconduct and/or raising standards of policing. Chapter 6 explores primary data evidence under the second component: namely, perceptions of KP officers about the role and impact of the PIK on their conduct and standards.

4.3 Research dilemmas associated with the central research question

The question of whether external citizen oversight agencies (or their procedures) are associated with lower levels of officer misconduct, suggests – at a cursory level of analysis - a numeric comparison of two or more states of affairs – one in which external oversight is present, and one in which it is absent. In other words, it is a purely quantitative exercise of identifying the number of cases of recorded misconduct in one state of affairs, then identifying the number of cases (in identical or similar categories) of misconduct in the other state of affairs, and finally comparing the two and identifying a causal link. What is typically required is to compare key measures taken before the introduction of the PIK with the same measures taken after introduction (Johnson, 2002, p. 41). What is needed, therefore, is an approach that falls into that empirical research category that is concerned with quantitative data in the form of numbers, as opposed to that category concerned with qualitative data that
is not in the form of numbers (Punch, 2005, p. 3).

However, there are inherent problems in a purely quantitative approach *per se*, not least the search for a causal link. These difficulties are exacerbated still further when comparing performance before and after the introduction of an external oversight agency. Measuring oversight effectiveness is difficult because of the number of variables involved, conflicting ways of interpreting data and the problems of hidden misconduct (Prenzler & Lewis, 2005, p. 77). As Walker and Bumphus (1992, cited by Prenzler, 2000, p. 661) point out, the purely quantitative approach of analyzing the complaint disposal process (from initial receipt through to substantiation rates and final penalties) is fraught with “confounding variables”.

A number of factors intervene and obviate a simplistic analysis in recorded cases of transition from what will be called ‘police-centric systems’ of complaint investigation (i.e. where only the police investigate the police) to systems in which investigations are conducted exclusively or – more frequently – jointly with police investigators. As often as not, the transition is accompanied by a change in the legislation that defines categories or types of misconduct, thereby making a direct comparison difficult or impossible (Prenzler, 2000, p. 662). In cases where the responsibility for investigation of complaints is shared by the police and the external agency, it becomes impossible to accurately separate the effects of the agency as distinct from that of the police investigators. Since it becomes impossible to talk of exact causes in the “complex network of causality”, one can only describe known correlates or associations (Oppenheim 1992, p. 17).
4.4 Potential benefits of a qualitative approach

It seems that unless the realm of potential evidence extends beyond a simple numeric dynamic, the question of PIK efficacy will necessarily evade a reliable response. Qualitative research has been defined as encompassing those techniques of data collection and analysis that rely on non-numerical data (Cassell, Buehrins, & Symon, 2006, p. 162); moreover, it is to mean “any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification” (Strauss and Corbin, 1990, p. 17). According to Strauss and Corbin (1990) qualitative research methods are capable of finding data relating to phenomena about which little is yet known. It is argued that qualitative methods are appropriate in situations where one needs to first identify the variables that might later be tested quantitatively, or where the researcher has determined that quantitative measures cannot adequately describe or interpret a situation (Flick, 2009, p. 13-14). What is advocated, therefore, is a move away from the traditional dualism that dismisses qualitative data as subjective and highly fallible, whilst lauding quantitative data as objective and minimally fallible (Howe, 2003, p. 17).

Since it is largely concerned with the meanings and personal experience of individuals, groups and sub-cultures (Flick, 2009, p. 62; Keegan, 2009, p. 22; Heaton, 2004, p. 56), a qualitative approach to the external oversight question would mean amongst other things exploring the views of police officers and members of the public about their perceptions (or beliefs) of whether the advent of external oversight coincides with lower incidents of misconduct. Prenzler and Lewis, leading advocates of external oversight, point to the potential of such surveys of police perceptions as a way of measuring the “rigour and deterrent impact of agency processes” (2005, p. 78).
Indeed, there have been a number of valuable empirical studies on police officer perceptions of accountability (Sviridoff and McElroy, 1989; Perez, 1994; Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000; de Guzman, 2004; Wells and Schafer, 2007; De Angelis and Kupchik, 2007), although these studies are predominately based on North American or Western European research (Eijkman, 2006, p. 411).

What is sought through such surveys is that which Barnett (2000, p. 21) calls the *epistemological voice* of the KP organization: those matters - born of collective understanding - about which it speaks with authority. In spite of its “soft” social science reputation, qualitative research can be “hard-nosed, data-driven, outcome-oriented, and truly scientific” (Yin, 2003, p. 33). Qualitative research views ‘reality’ as a concern for the negotiation of 'truths' through a series of subjective accounts (Jupp, 1989, p. 29).

In terms of exploring the potential yield of the proposed PIK case study research, it will help to consider where it falls in Yin’s (2003, p. 3) triad of case study types: exploratory, explanatory, and descriptive. If successful, the search for qualitative data in response to Walker’s question is likely to yield useful insights under each type. An exploratory study is aimed at defining the questions or hypotheses of a subsequent study or at determining the feasibility of the desired research procedures (Ellinger, Watkins & Marsick, 2005, p. 330; Yin, 2003, p. 5): in other words, it is about finding out what is happening, and asking questions and assessing phenomena in a new light. The PIK case study will attempt to explore the
largely unknown patterns of beliefs, attitudes and perceptions⁸ about external oversight among KP officers.

In the process of exploring and examining patterns in the data, the study will take on an ‘explanatory’ character: i.e. it will present data bearing on a cause and effect relationship and, therefore, explain how things happened (Ellinger et al, 2005, p. 330; Yin, 2003, p. 5). Specifically, the study ought to yield data from personally held beliefs that explain why the activity of the PIK has had (or failed to have had) an impact on officer conduct. However, what is proposed cannot alone claim to provide a descriptive study: i.e. a presentation of a complete description of a phenomenon within its context (Yin, 2003, p. 5). In order to portray such an accurate profile of the various persons, factors, events or situations that might reveal the nature of the impact of external oversight on the KP, more data would be required from other potential sources.

An exploratory research design tries to more precisely define the research question that drives the study, and results in the formulation of hypotheses. In this sense an exploratory case study is one in which the collection of data occurs before theories or specific research questions are formulated. Walker does not state a hypothesis about the positive impact of external oversight that might be proved or disproved; rather he asks a question that both acknowledges the absence of sufficient research and also recognizes the complex nature of the causal relationship between an external oversight agency and the police organization it influences. It seems appropriate, therefore, to characterize the intended case study research as exploratory

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⁸ These terms are used in that sense described by Oskamp, & Schultz (2004, p. 9) as a “cognitive component” – i.e. ideas and beliefs one has about an object.
rather than descriptive. If successful, the study might yield sufficiently intelligible patterns in the data to justify a limited theory (or theories) about the complex relationship at the heart of Walker’s question.

4.5 Selecting an appropriate qualitative strategy

Among the stated benefits of qualitative research methods is the potential they offer to gain insights into people and work-related situations (Glenn, 2010, p 104; Easterby-Smith, M., Thorpe, R. & Lowe, 2004, p. 85), and the array of interpretative techniques that can describe, decode, and translate the meaning of phenomena of the social world (Denscombe, 2003. p. 267; Van Maanen, 1983, p. 9). Johnson (2002, p.27) emphasises that the selection of an appropriate methodology represents a critical step in the research planning process: an error at this point will result in failures further into the planning and implementation stages. A methodology is appropriate if it serves the research question. In order to acquire data from a large number of middle- to senior-ranked police officers, the rich qualitative research tradition suggests a number of options, including: focus groups, interviews, observation, and questionnaires (Cohen, Manion & Morrison, 2007. p 352; Ruona, 2005, p. 234; Noaks & Wincup, 2006, p. 77). A decision was made to adopt the use of semi-structured interviews as the most appropriate qualitative method of obtaining perception data from senior KP officers. The rationale behind this decision and the process of designing the interview guide are described in Appendix B.

4.6 Mixing methods

According to Johnson (2002, p. 40) a research design in pursuit of a relationship question must tackle a special challenge: namely, if the research seeks to say that one
particular factor (i.e. external oversight or its procedures) caused something to happen (i.e. reduced incidents of police misconduct), then the design must rule out any and all other possible determining factors. In relation to Walker’s question this task is far more problematic than that of a controlled laboratory study. In the complex world of police organizations it is much more difficult to isolate the exact impact of policies or programmes where the environment (of possible causal factors) cannot be controlled (Johnson, 2002, p. 40). The complexity of the environment in which performance is being measured means that no single measure, or even group of measures, provides an objective demonstration of the effectiveness of an agency in preventing corruption or effectively adjudicating allegations of misconduct (Prenzler & Lewis, 2005, p. 78). It is important, therefore, that the research strategy is fully cognizant of the fallibility – in an absolute sense - of any research finding: it would be virtually impossible to eliminate the effects of all the potential or actual determining factors in officer behaviour. What can be ascertained with a degree of certainty are dominant patterns in the attitudes and beliefs of officers about the impact of external oversight on their behaviour and that of their peers or those they supervise.

As discussed earlier, it can be fairly argued that the answer to Walker’s question cannot take the form of the simple product of a numeric analysis: i.e. a simple demonstration that there are more (or, as the case might be, less) cases of misconduct after the introduction of external oversight. Apart from the discussed problem of comparing performance (before and after introduction) where the recorded categories of misconduct are quite different, there is the seemingly impossible task of isolating extraneous causal factors – i.e. all those potential factors that (regardless of external oversight) might have influenced the overall number of misconduct cases. A
topical example: coinciding with the period of introduction of external oversight there may have been an economic crisis, resulting in a series of violent protests that brought the police into more frequent confrontations with members of the public. The dramatic increase in the number of complaints against police would have occurred regardless of the presence or absence of the external oversight agency. In such circumstances it would be wrong to conclude – on the basis of the number of complaints alone - that the agency had no impact on police misconduct.

If Walker’s question defies a purely quantitative response, an answer must include patterns in the beliefs and perceptions of those whose behaviour is (potentially) influenced by external oversight – i.e. qualitative data. It would, however, be wrong to conclude that this argument excludes the use of quantitative research strategies and their contribution to the Walker debate.

Much has been written on the researcher’s dilemma in reconciling the quantitative and qualitative (Howe, 2003, pp. 16 – 23); however, it is arguable that the quest for an answer to Walker’s question transcends the alleged incompatibility of positivist versus interpretive dynamics. By examining the case study of the PIK, a satisfactory answer might be achieved by isolating patterns of freely articulated beliefs about the impact of the PIK. It is noteworthy that, in the complex context of a case study, Yin (2003, p. 4) firmly recommends that multiple sources of data are often required: this implies the need to consider more than one approach, qualitative or quantitative, or a combination. It is, therefore, perhaps more appropriate to view the qualitative/quantitative divide as less contradictory and more complimentary in the examination of issues as complex as Walker’s question (Blaxter, 2010. p 217;
Denscombe, 2003. p. 231; Scott, 1996. p 59). As Howe puts it, “quantification does not eliminate qualitative judgments and therefore is not an alternative to them” (2003, p. 21). The two approaches might best be viewed as opposite sides of a single coin. If this is the case, then the obverse of the previous paragraph is also true.

The nature of concepts used in oversight research (e.g. achievement, and attitude) is such that dependence on qualitative judgments and data is required to minimize the fallibility of quantitative instruments. So long as external oversight research remains couched in terms of such concepts (and it must to have a bearing on practice), quantitative data gathering will have to remain faithful to and parasitic upon qualitative judgements (Howe, 2003, p.20).

It is clear, therefore, that the quest for an answer to Walker’s question takes the study into the eye of the stormy ‘mixed methods’ debate, which reaches back to 1973 and earlier (Denzin and Giardina, 2006, xvi; Sieber, 1973, p. 1335). Much of the early argument tended to accentuate certain characteristics and attributes of the two approaches - quantitative and qualitative – thereby emphasizing the purported and exclusive benefits of one, over the deficits of the other (Sieber, 1973, p. 1336). In this polarized debate, quantitative methods are described as techniques associated with the gathering, analysis, interpretation and presentation of numerical information (Teddlie & Tashakkori, 2009, p. 5; Keegan, 2009, p. 23; Blaxter, Hughes, & Tight, 2006. p 64; Ten Have, 2004, p. 4): whereas, qualitative methods are defined as techniques concerned with the gathering, analysis, interpretation and presentation of narrative information (Teddlie & Tashakkori, 2009, p. 6). This polarization led to talk of the traditional superiority of deep, rich observational data and virtues of hard,
generalizable, survey data (Sieber, 1973, p. 1335). There cannot be any accommodation – we are told - between such disparate and irreconcilable dynamics (Guba, 1978, p. 81).

Whilst much of the early argument appeared to take place in isolation from the business-end of actual research, the same conundrum created by Walker’s question was troubling those in social science research. It was felt that social research must, if it is to be deemed legitimate and credible, aspire after the meticulous standards of physicists – the rigorous testing of hypotheses by means of the data that take the form of numerical information (Atkinson & Hammersley, 1994, p. 251; Thietart, 2001, p. 27). Yet, as shown in the Walker example, this ideal is not always achievable and suggests the counter-intuitive conclusion that many areas of social reality must remain incomprehensible, since they cannot yield sufficiently quantitative data.

Mixed methodologists present an alternative to the quantitative and qualitative traditions by advocating the use of whatever methodological tools are required to answer the research questions under study (Creswell & Tashakkori, 2007a, p. 7; Creswell & Creswell, 2005, p. 317). Accordingly, investigators go back and forth seamlessly between statistical and thematic analysis (Creswell & Tashakkori, 2007a, p. 8; Creswell & Tashakkori, 2007b, p.303). This ‘combined’ or ‘mixed’ method approach means that the strengths of both approaches are combined, leading to a better understanding of research problems than either approach alone (Blaxter, 2010. p 206; Creswell & Garrett, 2008, p. 322; Heaton, 2004, p. 56; Gabrielian, 1998, p 193).
The mixed method approach, therefore, seems appropriate as a key to the Walker question. It acknowledges that there are inevitably important research questions that relate to human behaviour, that defy a purely quantitative approach and, at the same time, indicate that certain types of purely qualitative data require further triangulation (Creswell & Creswell, 2005, p. 320). It is also a recognition that, in cases such as the complex causes of police misconduct and incompetence, every technique suffers from inherent weaknesses and these weaknesses can only be corrected by cross-checking with other techniques – no research operates without bias (Webb, Campbell, Schwartz, and Sechrest, 1966, quoted by Sieber, 1973, p. 1337). The result is a ‘composite’ insight into a complex reality (Creswell & Creswell, 2005, p. 322).

In view of these observations, it was decided to adopt a ‘mixed methods’ strategy and complement the semi-structured interviews with a more expansive quantitative method. A decision was made to use the self-report questionnaire as the best quantitative strategy on the basis of a number of factors. The rationale behind this decision and the process of designing the questionnaire are set out under Appendix C.

4.7 Data gathered through use of the questionnaire

As in qualitative research, the realm of quantitative research offers a range of methods. Easterby-Smith (2004, p.130) indicates that interviews, questionnaires, tests/measures and observation are the main ways of gathering quantitative data, alongside some less commonly used methods such as sourcing from archives and data banks. Questionnaires are measuring instruments that ask individuals to answer a set of questions, often about attitudes and opinions; if the questions ask for information
about the individual respondents, they are called “self-report questionnaires” (Schwab, 2004, p. 39). This approach involves use of a series of precisely worded and standardized questions that are designed to cater for either factual answers or less precise answers where the respondent is uncertain (Denscombe, 2003. p. 166; Bechhofer & Paterson, 2000, p.75).

A decision was made to adopt the self-report questionnaire as the best strategy on the basis of a number of factors, particularly the size of the target population and the time constraints on all involved. Since the relevant population consists of over 7,000 police officers, a limited sample would have to be conducted rather than full census. A sufficient sample would nonetheless involve several hundred KP staff, and the appropriate strategy would have to make the task practically feasible among busy operational police staff. Having considered the options described earlier, it was decided that the best strategy would be to conduct a survey using a structured self-report questionnaire, as a means of “obtaining information from, or about, a defined set of people, or population” (Easterby-Smith et al, 2004, p.135). Quantitative questionnaires seemed to offer obvious advantages for the main aim of a survey: namely, to construct a subset of the KP population, which is fully representative in the main areas of interest (i.e. perceptions of the effectiveness of the PIK). Moreover, this strategy held out the possibility of making subsequent statistical inferences on the likelihood that patterns of beliefs and attitudes observed in the sample would also be replicated in the entire KP population. Finally, it is noteworthy that the mix of structured interviews and self-administered questionnaires has been used in similar studies of police perceptions (see for example de Guzman, 2007, p. 34).
As described in Appendix B a survey methodology was employed to measure the perceptions of PIK clients, both supervising officers and supervised officers (i.e. patrol officers, sergeants and lieutenants). Although there are reservations about the use of surveys and respondent perceptions, other data collection procedures were not possible because of time and financial constraints, and would not allow for the collection of data in a substantial number of cases. For example, data would need to have been collected concerning the history and reasons why KP policies were enacted to see if they were implemented in response to PIK actions. Officers would need to be debriefed using protocol analysis on a regular basis to determine whether the existence of the PIK influenced their daily street-level decisions. It was clear that the costs involved in these types of data collection processes would have been beyond the scope of this limited research.

It is acknowledged that the use of beliefs and perceptions to measure external oversight impact is not uncontroversial. There are concerns that, inter alia, respondents may forget, filter, or misinterpret events or that they might give socially desirable (rather than accurate) responses to questions. In short, there is concern that respondents might reconstruct their own reality concerning an issue about which they are being questioned (Brace, 2008, p 13, 21). Against all this, there is good evidence in the relevant literature that indicates that perceptions are important determinants of actions (Smith, 2009, p. 58; Oskamp, & Schultz, 2004, p. 6); police officers, like other employment groups, tend to act upon the information that is at their disposal.

The questionnaire consists of two parts (see Appendix B). The first part of the survey instrument provides an explanatory note that is designed to provide some
explanation concerning the purpose of the interview and the research as a whole, as well as the issues of confidentiality (Gillham, 2005, p. 78; Crano & Brewer, 2002, p. 350). With the prior agreement of the KP General Director and the Head of EULEX Police Strengthening Department (PSD), the questionnaires were distributed by KP Station Commanders of the main regional police stations of Kosovo, located in the five main urban centres: Prishtinë/Priština, Prizren, Pejë/Peć, Mitrovicë/Mitrovica, and Gjilan/Gnjilane. Station commanders distributed the questionnaires among operational officers of the early and late shifts during the course of a single day. Officers were told that the process of completing the questionnaires would only take a few minutes and that it was entirely voluntary. It was explained to the officers that the research data would be treated confidentially and that the researcher was not in any way connected with a government agency. It was also explained that the survey instrument contained no identifiers that might link the respondent to the recorded data. Completed forms were collected and handed back to the Station Commanders.

Although the respondents were drawn from across Kosovo and the sample size was quite large, it was nonetheless a convenience sample, not a representative sample. A decision was made not to attempt to distribute the questionnaires in a random manner, as required in probability sampling (Saunders, Lewis, & Thornhill, 2003, pp. 153-5; Easterby-Smith, Thorpe and Lowe, 2002, pp. 135-6; Doherty, 1994, p. 21). A non-probability sampling approach was adopted, due to the previous difficulty in achieving a reasonable response rate with random sampling of KP officers. The adopted approach, therefore, might be classified as non-probability sampling (Saunders, Lewis, & Thornhill, 2003, p. 170). The analysed data only refers to the 555 respondents, and no claim is made that the results are representative of the entire
target population of KP officers in the first four ranks. It is acknowledged that the sample might just be “a quirk of the random nature of the selection procedure” rather than representing a real underlying trend in the population as a whole (Connolly, 2007, p. 142). All that will be claimed is that the findings are true for the actual sample group of KP officers.

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<tr>
<th>Table 4.1 – Breakdown of Questionnaire Responses according to KP Ranks</th>
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<tr>
<td><strong>Frequency in KP</strong></td>
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<tr>
<td>Patrol officer</td>
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<td>Captain</td>
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<td>Total</td>
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A total of 700 questionnaires (or 10% of the total target population) were distributed across all five KP main police stations (140 forms per station) and distributed by Station Commanders among operational shift officers who were on duty on the day of distribution. A total of 555 forms were returned as completed (79.2% response rate), albeit some participants neglected to respond to one or more items; as a result of these missing data, sample sizes differed somewhat across questions and are reported accordingly. Once the questionnaires had been returned, the challenge of studying the results and identifying patterns in response to Walker’s question was tackled. Analysis is about drawing out distinct and potentially

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9 Data obtained from Directorate of Personnel, Kosovo Police HQ, on June 5th 2012.
generalizable features of the data (Gillham, 2005, p. 131). It was found that the task of quantitative analysis was made much easier by use of a version of SPSS\textsuperscript{10} software; as recommended in the literature, this made the process of identifying dominant patterns from the limited responses much easier (Blaxter, Hughes, & Tight, 2006, p. 203, 211; Gillham, 2005, p. 144; Denscombe, 2003, p. 242).

Table 4.1 provides an analysis of the respondents, according to rank. The majority of respondents (79.5\%) belonged to the first rank, patrol officer, and represented 7.4\% of the total number of officers of that rank in the KP. However, as a proportion of their numbers in the KP organization, the first three supervisory ranks were even better represented in the study results. Sergeants, the first supervisory rank, formed 13.2\% of the respondent group, and represented about 9.1\% of the total number of Sergeants in the KP. A group of 37 Lieutenants formed 6.7\% of the respondents, and represented almost 13\% of the total officers in that rank. As noted above, however, the distribution was not random and the respondents cannot be said to be representative of the entire population of KP officers in the first four ranks. The survey results only reflect the beliefs of those KP officers who took part in the survey.

Following the pattern of de Guzman’s study, the questionnaire (see Appendix A) was designed to differentiate between officers who had had direct experience of the PIK or PSD and those without such experience. The final section of the questionnaire contains a series of four factual questions – i.e. questions for which there is, in principle, a true answer, rather than whether the answer is factual (Bechhofer & Paterson, 2000, p.78). The first two factual questions (see Row 1) are

\textsuperscript{10} Originally known as Statistical Package for the Social Sciences
simple closed measures (yes/no), asking respondents whether (a) they have been investigated by the Police Inspectorate of Kosovo (PIK); and (b) whether investigated by the Professional Standards Directorate. These are of course important indicators of both a heightened level of awareness or increased knowledge of the disciplinary regime, and will create an important subset of the survey that might contrast with the perceptions of those respondents who had not had direct contact with PIK or PSD.

Questions three and four (Row 2) are also factual and closed (yes/no), and seek to identify those officers with experience of (a) making a complaint against another officer, and (b), those who have provided evidence against other officers. These categories have particular importance in the KP because of the unusually high incidence of complaints made against officers by other KP officers (Police Inspectorate of Kosovo, 2008, p. 5). Expanding on the work of Perez (1994), the second portion of the survey instrument contains six items aimed at eliciting responses concerning the perceived impact of the PIK on the KP, at the individual and organizational levels. A six-point Likert-scale response option was provided with each statement. The response options were “strongly agree,” “agree,” “slightly agree”, “slightly disagree”, “disagree,” and “strongly disagree”. The six statements are:

a) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.

b) Police Inspectorate helps KP officers perform to high standards of integrity and honesty.

c) Police misconduct in Kosovo has decreased in recent years.

d) PIK officers conduct thorough and professional investigations.

e) Complaints against KP staff should be dealt with by an external/independent agency.
f) Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.

Data from responses to the six statements were entered on an SPSS database and the results analysed in the following manner: total responses across all ranks (Appendix E, Chart 6.2); responses of officers who stated that they had (Chart 6.3) or had not (Chart 6.4) been investigated by the PIK; responses of officers who stated that they had (Chart 6.5) or had not (Chart 6.6) been investigated by the PSD; responses of officers who stated that they had (Chart 6.7) or had not (Chart 6.8) made a complaint against another officer; and, finally, responses of officers who stated that they had (Chart 6.9) or had not (Chart 6.10) given evidence against another officer. All these charts can be found in Appendix E. The findings are critically discussed under Chapter 6.

4.8 Semi-structured interviews

The second part of the primary research involved 10 interviews with senior officers, above the rank of Captain. The choice of semi-structured interviews was based on a number of factors that were found in the literature. The interview is identified as the most fundamental qualitative research method (Keegan, 2009, p. 73; Easterby-Smith et al, 2004, p. 85; Ten Have, 2004, p. 5), offering the opportunity to probe deeply, uncover clues, open new dimensions of the problem, and secure inclusive accounts based on personal experience or biographies (Smith, 2009. p 115; Burgess, 1982, p. 107). Moreover, interviews can provide a vehicle for data about individual perceptions (Smith, 2009. p 116; Weinberg, 2002. p. 117), and qualitative interviews are often used in conjunction with other techniques (Fontana & Prokos, 2007. p 112), thereby offering a potentially useful component of the present study.
Semi-structured interviews offer a *via media* that has a number of potential advantages in the present study: use of open-ended questions balanced by a degree of pre-determined purpose (Smith, 2009. p 116; Crano & Brewer, 2002. p 233); flexibility balanced by structure (Jupp, 1989, p. 68); greater opportunity to probe with follow-up questions (Noaks & Wincup, 2006, p. 79). As a result, it can yield rich and often surprising data about perceptions, contradicting the assumptions of policy makers (Jupp, 1989, p. 68). Although costly in question/topic development, demanding interviewing skill/practice (Gillham, 2005, p. 79), and requiring more investment in analysis and interpretation (Gillham, 2005, p. 70), this approach holds out the promise of sufficiently rich data in relation to the research question about PIK efficacy.

The decision to adopt a particular research strategy, according to Noaks & Wincup, (2006, p. 78), should be influenced by a number of factors, including the characteristics of the target population, the sensitivity of the topic, location of the interview and the timescales. An exploration of senior KP perceptions about the impact of the PIK on their organization must go beyond highly structured interviews that are based on questionnaires and offer a limited and positivistic approach (Easterby-Smith-Smith et al, 2004, p. 86). Likewise, it helps to move beyond the inevitable assumptions that drive structured questions. Semi-structured interviews offer the benefits of both structure and opportunities to probe responses and explore ideas about the impact of external oversight. Finally, a semi-structured approach has the benefit of non-verbal clues, such as voice inflection and facial expression (Easterby-Smith et al, 2004, p. 86) - an important consideration when communicating
with ethnic Albanian officers who sometimes feel reluctant to voice negative views about government organizations.

A semi-structured guide (see Appendix A) was used and included 13 questions that are open in style and invite the respondent to express an opinion rather than merely state a fact (Robbins, 1998, p. 91). The first four questions explore the respondent’s knowledge and understanding of the PIK, as well as his/her perceptions of its apparent strengths and weaknesses. The next five questions try to explore the respondent’s perceptions of the nature, extent and trends in KP misconduct. This is followed by two further questions exploring perceptions about the impact of the PIK, and two final questions on misconduct trends. Some questions deliberately overlap in an effort to check understanding and consistency in the responses. Responses were recorded using a system of jotting down notes that would serve as a memory aid, and more detailed notes were later constructed, thereby avoiding the detrimental effects of writing too much (Noaks & Wincup, 2006, p. 86; Denscombe, 2003, p 175). A Kosovan friend and colleague read the questions to the interviewees (in Albanian or Serbian) and simultaneously translated the responses. In some cases, the senior KP staff preferred to speak English.

Once the interview records were completed the process of analysis began: i.e. drawing out distinct and potentially generalizable features of the data (Gillham, 2005, p. 131). According to Bogdan and Biklen (1982, p. 145) qualitative data analysis means “working with data, organizing it, breaking it into manageable units, synthesizing it, searching for patterns, discovering what is important and what is to be learned, and deciding what you will tell others.” Following the advice in the literature,
the chosen strategy involved the use of inductive analysis of data: that is, allowing critical themes to emerge from the data itself (Cohen, et al, 2007. p 461; Denscombe, 2003. p 187). This included use of “open coding” – the identification of the themes emerging from the raw interview data (Blaxter, 2010. p 221; Blaxter, Hughes, & Tight, 2006. p. 203; Ellinger, Watkins & Marsick, 2005, p. 341). This meant identifying and tentatively naming some conceptual categories into which the responses could be grouped (Ellinger, Watkins & Marsick, 2005, p. 337; Denscombe, 2003. p. 271). In view of the relatively small number of interviews, a simple analysis method was employed. Key words and phrases were highlighted on each set of interview notes, and a list of those key words and phrases was compiled according to their frequency across the group of respondents. Words or phrases that appeared to be similar were grouped under the same category. As and when necessary, categories were modified or replaced during the subsequent stages of analysis (Denscombe, 2003. p. 272).

4.9 Ethical considerations and conclusions regarding the methodology
Due consideration was given to the question of access and the requirements of ethical research. Although there were no significant ethical issues raised by the study, certainly nothing of the dilemmas of personal dignity that occur in some studies (Flick, 2009, p. 4), a number of steps were necessary to ensure compliance with the requirements of ethical research. Using the University of Portsmouth guidance and, specifically, the ethical research form, it was ensured that the interview Guide (Appendix A) and questionnaire (Appendix C) incorporated clear and unambiguous principles: namely, that participation was on a strictly voluntary basis, based on informed consent and that the anonymity of participants would be respected. As
advised by scholars, prior to obtaining the consent of individual participants I discussed the exact terms and purpose of the research with the KP Director General, Reshat Maliqi, and received his formal permission (Oliver, 2003. p 41, 43).

These points of action were important in order to ensure that participation was conditional upon the person’s voluntary consent, an essential requirement of ethical research (Denscombe, 2003. p. 138; Coontz, 1998, p.7); it sought to ensure, moreover, that the consent was properly informed, rather than just a bureaucratic process (Oliver, 2003. p 28). It was also vital, from an ethical perspective, to reassure the KP participants that their responses would remain anonymous, not simply to encourage honest responses but to protect them from any possible negative consequences (Oliver, 2003. p 77; Crano & Brewer, 2002. p 239). Due consideration was given to any risks, physical or psychological or economic (e.g. career opportunities), that might affect respondents (Oliver, 2003. p 31) and these were deemed to be negligible.

4.10 Reflections on methodological practice

The combined use of the two approaches as part of an effort to answer Walker’s question about the efficacy of ECO agencies moved successfully through the planning stage and on to the implementation of a pilot study. No significant practical problems were encountered with the implementation stage, once the access and ethical issues were tackled. All the interviews under the qualitative stage (Appendix A) yielded useful data, with senior KP officers providing free-flowing and rich accounts in response to the questions. The only adverse factor in most interviews was the feeling among respondents that it took too long to get through all the questions (60 – 70
minutes on average) and the suggestion that some of the questions were superfluous, insofar as they repeated the substance of earlier questions.

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The feedback regarding the questionnaires was generally good. Most respondents found the form easy to use, in terms of question comprehension and readily understandable choice of response, as well as quick to complete – a major
factor in KP acceptance and cooperation. The only unresolved issue concerned the failure of one or two KP staff to complete all the final factual questions.

Table 4.2 (Research Method Matrix) provides a summary of the research methods that were used in the course of this study. The idea of presenting the summary in the form of a matrix was inspired by a similar approach in Cohen, Manion and Morrison (2007, p. 59). It provides a useful overview of the mixed methods approach that was adopted and a point of reference for what follows in the thesis.

It is important to clarify how my professional role relates to the participants in the study. Whilst the ultimate object of the research is the PIK (an entity that is quite independent of KP), the research sought to identify patterns of beliefs and attitudes among KP officers about the PIK, its procedures and how effective it is in dealing with police misconduct. I have in the past worked closely with both organizations, PIK and KP; however, at the time of the research I worked with EULEX and my position involved no direct or indirect relationship with the PIK, and only a very indirect working relationship with KP.

It is important to stress that my work with EULEX involved a direct interface with the managers of EULEX Police Strengthening Department (PSD), an organization with about 350 EU police officers. However, my interface with KP was mainly indirect (apart from monthly update meetings at KP Headquarters) and only related to the most senior KP officers. At the time of the study, I had no direct or indirect professional relationship with the PIK, having completed the PIK project in
2008. Thus, the research work was conducted within a work context in which I had no direct engagement with KP officers (of any rank), still less a power relationship, in which I had any authority over KP officers. It should be noted that, even in terms of their relationship with senior EULEX staff, KP staff form part of an autonomous and independent police organization that did not act under the authority of EULEX at any stage of the Mission’s mandate.
Chapter Five

Case Study (1): Police Governance and Accountability in Kosovo

5.1 Introduction
Chapter Five will explore the broader hypothesis that external citizen oversight (ECO) is associated with reduced misconduct and higher standards, by critically examining the Police Inspectorate of Kosovo (PIK) as a case study, comparing its legal and political framework with the theoretical principles that are discussed in the literature. It will also examine the available secondary evidence to support a link between the PIK and reduced levels of misconduct among Kosovo Police employees.

The study will look at the evidence of police governance and accountability in the Republic of Kosovo, a former part of Yugoslavia that has emerged from a devastating inter-ethnic war, to achieve relative stability and an independence that continues to be disputed. It represents an important source of contemporary data for a number of reasons, not least because of the pivotal role of the Kosovo Police (KP) in maintaining long-term stability, and its relationship with the Police Inspectorate of Kosovo (PIK) – the first example of holistic police oversight in the western Balkans. Police governance and accountability are - in a very real sense – critical ingredients in the political stability of Kosovo. In order to understand the governance dynamic that now operates in Kosovo and the role of the PIK in that dynamic, it is essential that the study begins with an examination of the history of the KP and the unusual if not unique evolution of its governance dynamic.
5.2 A short history of police governance in Kosovo

The present day Republic of Kosovo came into existence as a result of foreign intervention in the last of the series of wars that brought about the break-up of Yugoslavia. Following an intensive NATO bombing campaign, the Yugoslav forces of Slobodan Milošević retreated from Kosovo in June 1999 and the United Nations assumed authority for the province of Kosovo, then part of the Republic of Serbia within Yugoslavia (Peake, 2004, p. 16). That event brought an end to the last Yugoslav war and the beginning of a process of resolving the status of this small territory – an area ravaged by war and conflict between ethnic Albanians and Serbs for centuries (Simpson, 2007, p. 80; Scheye, 2008, pp. 171-2). On June 10, 1999, the UN Security Council passed UN Security Council Resolution (UNSCR) 1244 which placed Kosovo under transitional UN administration (UNMIK) and authorised KFOR, a NATO-led peacekeeping force. Through UNSCR 1244 the United Nations appointed a Special Representative of the Secretary General (SRSG) who had responsibility for an interim government administration (United Nations [UN], 1999, Para. 10), known as United Nations Mission in Kosovo (UNMIK), and the creation of a new democratic government for Kosovo (Pettifer & Vickers, 2007, p. 229; UN, 1999, Para. 11 [c]). UNSCR 1244 also provided the UN with full executive authority for policing in Kosovo and a mandate to create an indigenous police service (Bayley & Perito, 2010, p. 45; United Nations, 1999, Para. 11(i); Scheye, 2008, p. 174). An UNMIK Police Commissioner was appointed to lead several thousand United Nations International Civilian Police (UNIP) officers and the emergent Kosovo Police (KP).
In the broader context of police reform on the world stage, it must be recognised at the outset that Kosovo represents a case that stands at the extreme end of the spectrum of post-conflict intervention. As with East Timor, Afghanistan and Iraq, police reform occurred after a period of military conflict and the collapse of the former government administration (Bayley, 2001; Bayley, 2006). As with the other examples, the intervention forces in Kosovo had to quickly fill the post-conflict power vacuum, ensure security and public order, establish an interim administration and - simultaneously – construct permanent government institutions. The creation of the Kosovo Police (KP)\textsuperscript{11} formed only one part of the hugely complex task of building an entire government from scratch (Bayley & Perito, 2010, pp. 44-5). As will be seen, the creation of the KP spanned almost a decade and it only achieved full executive authority at the end of 2008. It is possibly the longest police reform programme in history, ending with the exit of the last UNMIK Police Commissioner in December 2008.

The history of the KP since its inception in 1999 has been one of evolution toward the status of a fully autonomous and independent organization (Harris, 2007, p. 7). The period of development up to 2009, however, was never characterised by a discernibly uniform pattern of smooth progression; rather, the KP evolved in an uneven pattern that was dictated by the changes in UNMIK staff and their policy decisions made in response to changing events in Kosovo (Narten, 2009, p. 138). Judah (2008, p.108) identifies two distinct periods of UNMIK history, that equally apply to KP development: September 1999 to March 2004, and March 2004 to full autonomy in January 2009. The pivotal event that separates the two periods was the

\textsuperscript{11} Note that between 1999 and January 2009 the KP was known as the Kosovo Police Service (KPS). The name change occurred after full transition of authority from UNMIK to the Government of the Republic of Kosovo. Throughout this research paper the organisation will be referred to as the Kosovo Police or KP.
outbreak of widespread and serious ethnic violence in Spring 2004 (Judah, 2008, p. 108). This event resulted in a seismic shift in the UNMIK policy with regard to the pace and scope of transition of authority for policing in Kosovo.

In the immediate period that followed the violence in March 2004, the UN woke up to the underlying causes of unrest among the majority population and dramatic changes followed. Work to construct the KP was accelerated and the transfer of substantial areas of policing authority began. The SRSG, Harri Holkeri, resigned in June 2004, followed by the UNMIK Police Commissioner, Stefan Feller, in August 2004 (Top Kosovo official is quitting, 2004); and UNMIK adopted a sharp change of policy on the transfer of authority for policing in Kosovo. This involved a programme of rapidly promoting KP officers into higher ranks, handing over police stations to KP command and developing a legal framework and organizational structure (Gowan, 2006). In August 2004 there were more than 6,000 KP officers, including 410 Sergeants, 100 Lieutenants, 22 Captains, nine Majors, nine Lieutenant Colonels, and one Colonel; in December 2004 UNMIK announced that 20 of 33 police stations had been transferred to the KP (Harris, 2007, p. 23). By March 2005 UNMIK was able to announce that 31 out of a total of 33 police stations across Kosovo and two Regional Commands (Prizren and Gjilan/ Gnjilane) had been transferred to the KP. A total of 20 police stations had been transferred in a period of just eight months.

UNMIK could also indicate in March 2005 that the task of drafting a legal framework for the KP was advancing well. Regulation 2005/53, providing authority to establish the Ministry of Internal Affairs and Ministry of Justice, and Regulation 2005/54 (On the Framework and Guiding Principles of the Kosovo Police Service)
were ratified by the SRSG in December 2005. In March 2006 the Senior Police Appointments and Discipline Committee (SPADC) - a body that represents local Municipalities and was introduced by Regulation 2005/54 – convened for the first time and assisted in the selection of a KP Deputy Commissioner and four Assistant Deputy Commissioners¹² (UNMIK, 2005b). Following the departure of the last UNMIK Police Commissioner at the end of 2008, the first Director General¹³ of the KP was appointed by the Prime Minister and assumed full authority for the police organisation in February 2009 (EULEX – EU Rule of Law Mission in Kosovo, 2009).

Whilst the shift in UNMIK policy after March 2004 was a welcome change from the initial period of slow transition of responsibility to the KP, the speed of transfer of stations and – more significantly – the meteoric rate of promotions among KP officers that followed, created a number of new problems for this young organization. As late as 2007, PIK reports reveal the incomplete state of the KP organization, fragile and largely untested leadership and marginal role in a weak criminal justice system (PIK, 2007f).

In spite of the apparent weaknesses in KP leadership capability, the organization has commanded an unparalleled level of public confidence throughout its short history. This is an important factor in the role of the PIK and its perceived efficacy. Evidence suggests that the KP, unlike the documented ‘hard cases’ for police oversight (Lewis, 1999, p. 30), might be characterised as a ‘soft case’ in terms of ethical conduct and public/police relations. Public opinion surveys indicate high

¹² Note that the Police Law of Kosovo, ratified after the declaration of independence in 2008, abolished the most senior rank titles of ‘Commissioner’, ‘Deputy Commissioner’ and ‘Assistant Commissioner’, introduced by UNMIK. The new law, perhaps inspired by the practice in the Republic of Albania, introduced the titles ‘Director General’, Deputy Director General’ and ‘Assistant Director General’.

¹³ With the departure of UNMIK the KP changed its name (Kosovo Police, rather than Kosovo Police Service) and adopted the title ‘Director General’ (as used in the Republic of Albania) for the most senior police officer, rather than the UNMIK title, ‘Police Commissioner’.
approval ratings for the KP, at least among the majority, ethnic Albanian, population. Between March 2005 and November 2011 surveys conducted by the United Nations Development Programme (UNDP) indicated that KP had an average public satisfaction rating of 78.1%, with a peak of 86.9% in 2005 and a low point of 70.9% in September 2009 (UNDP, 2012, p. 7). This compares with 17% satisfaction with the police among citizens in neighbouring Serbia in 2004 (Downes, 2004, p. 52). KP popularity is no doubt the result of the apparent absence of what Punch (2000, pp. 304-51, cited by Savage, 2007, p. 16) calls ‘straightforward corruption’. In 2006 a survey found that only 6% of Kosovo citizens believed that corruption was present in the KP, compared with 18% for the courts and 23% for the Kosovo Customs Service (UNDP, 2006, p. 50).

Although the public perception of the KP as a corrupt organization has been rising, it remains one of the most trusted organizations in Kosovo: a survey in June 2011 found that only 15.2% of the public believed that the KP was corrupt, compared with 42.3% for the Customs Service and 41.6% for the Courts (UNDP, 2012, p. 18). The KP approval rating contrasts strongly with other government entities: in November 2011 Kosovans expressed just 30.2% satisfaction with Government, 40.5% satisfaction with their politicians in the Assembly of Kosovo, and 19.7% satisfaction with the Public Prosecutors’ Office (UNDP, 2012, p. 10). The public opinion survey data is consistent with the general trend in complaints against the KP. PIK data for 2008 indicated just 95.4 citizen complaints per 1,000 officers (or 0.09 complaint per officer). Unfortunately, it proved impossible to locate accurate data concerning the number of complaints against police in neighbouring states, such as Serbia, Albania and F.Y.R. Macedonia. However, the KP data compares very favourably with
England and Wales in 2008, at 291 complaints per 1,000 officers (Steele, 2008) and Queensland Police throughout the 1990s – the reforming era of the CJC – at an average of 250 complaints per 1,000 officers (Criminal Justice Commission [CJC], 2001, p. 4). No data could be obtained regarding public satisfaction with the various systems (UNMIK, KP and PIK/KP) of dealing with complaints against KP officers between 1999 and 2012.

However, in 2010 the number of complaints against KP officers had risen to 166 per 1,000 officers, KP (Police Inspectorate of Kosovo, 2011, p. 7), indicating a significant increase in complaints over the two-year period after KP obtained full autonomy from the UN. Interpreting this sudden increase is difficult, given the continuation of public satisfaction above 70% and the relatively low public concern about corruption. Later in this Chapter the study will consider one possible clue to this apparent anomaly: the unusually high proportion of complaints that derive not from members of the public, but other KP officers.

5.3 Independence dynamic versus central dynamic

For much of its history the KP was controlled by UNMIK, rather than a parent Ministry. Even after the appointment of the first Minister of Internal Affairs in the spring of 2006, it was the UNMIK Police Commissioner rather than the Minister who exercised authority over the KP (United Nations Mission in Kosovo, 2005b). The broader political context of the KP and its parent Ministry, has been fluid, uncertain and *sui generis* since their inception. That profound uncertainty derives from the disputed status of Kosovo, a matter that continued to divide the international community years after its declaration of independence in February 2008 (Ker-
Lindsay, 2008). Indeed by December 2012 only 98 of the 193 UN countries had formally recognised Kosovo, and two permanent members of the UN Security Council (China and Russia) had reiterated their refusal to recognise its independence, blocking the way to UN membership (Who recognised Kosovo, 2012). Although Kosovo has edged toward political and socio-economic stability after many years of ethnic conflict, poverty and political uncertainty, the process of stabilisation remains incomplete and directly influences the power relationship between the Ministry of Internal Affairs and KP (Narten, 2009, p. 141).

The applicable law that regulated the relationship between the KP and Ministry of Internal Affairs before 2008 consisted of UNMIK Regulation 2005/53, UNMIK Regulation 2005/54, and UNMIK Regulation 2001/9. This legislation was replaced by the Constitution of the Republic (Government of the Republic of Kosovo, 2008a) and Police Law of Kosovo (Government of the Republic of Kosovo, 2008b) in 2008. It is clear that the model of police governance described in this legislation is quite different from that of Serbia (and the F.R. Yugoslavia), and more closely mirrors Council of Europe principles – i.e. the separation of the police organization and its parent Ministry (Council of Europe – Committee of Ministers, 2001, Para. 13, 15 & 59). In contrast, the traditional Yugoslav model of government is based on a principle of centralised control of the police (Downes, 2004, p. 22). Serbia in 2004, for example, structured the Ministry of Interior as the final tier of police management in a system of government that, according to Downes, confused “the difference between police accountability and operational control” (2004, p. 20). Ministry posts were largely populated by police officers and Ministry functions eclipsed those of a police headquarters. This created a decision-making nexus that allowed political
motive to influence the full range of police operational and administrative activities. This system and its consequences created a public perception of the police as a political tool, eroding and undermining the sense in which the police act with impartiality and without fear or favour. Echoing the arguments of Walker (2001, p. 102) and Miller (2003, 41), Downes (2004, p. 21) contends that the restoration of public confidence in an impartial police service demands that the Ministry is clearly separated from the police organization. As will be noted, however, the original governance model in Kosovo was altered and shifted toward the old Yugoslav model after 2008.

The UNMIK Regulation (2005/53) was replaced in 2007 by a Police Law which was promulgated by the Assembly of Kosovo and has undergone several subsequent and largely minor amendments, resulting in Law No. 04/L-076 in March 2012. As depicted in Figure 5.1, the police governance dynamic in Kosovo is characterized by a dominant central dynamic, weak local dynamic and weakening independence dynamic. According to the 2012 Law the police act “under authority of the Minister of Internal Affairs and under the control and supervision of the General Director of the Police” (Article 5(1), Government of Kosovo, 2012a). This provision captures the legislator’s intention of creating a bi-polar political tension between the parent Ministry and the authority of the General Director, the most senior police officer. This point is made clear in what follows.

The Minister’s authority does not include the operational management of the Police. The General Director shall report and shall be directly accountable to the Minister for administration and management of the Police. The General Director cooperates with the Minister and provides
him/her with information and reports according to the manner determined by the law (Government of Kosovo, 2012a, Article 5(1)).

Echoing the lines of demarcation in the long-standing debate in England and Wales, the Kosovo police law attributes exclusive authority for “operational management” to the police, and a requirement for direct accountability to the Minister in respect of administration and management, and the provision of information. Article 5(2) goes on to elaborate upon the additional aspects of the Ministry’s authority vis-à-vis the police. These include the development of police-related policies and legislation, overseeing the coordination of activities of the police with other internal and external agencies, and kindred matters.
In a clear sign of the diminishing authority of the local dynamic in Kosovo, the 2012 Police Law removed the last remnants of the UNMIK provisions that required station commanders to actively consult Municipal Community Safety Councils (MCSCs) when formulating local policing objectives and the provisions whereby MCSCs had authority to short-list candidates for appointment as Station Commanders. All this is replaced by a bland and generalized duty to “provide assistance” to local government institutions (Article 8(2), Kosovo. Government of Kosovo, 2012a).

The most senior staff of the Kosovo Police (General Director and the Deputy General Directors) are selected and nominated by a Commission, established by the Minister of Internal Affairs (Article 37(1), Government of Kosovo, 2012a). What happens then is unclear, due to the imprecise wording of Article 37(4) (Government of Kosovo, 2012a): it would seem that the Minister proposes a candidate to the Government (Cabinet of Ministers), which in turn recommends a candidate to the Prime Minister. The latter has exclusive authority to appoint the General Director, seemingly without following the recommendation of the Government. The Minister has exclusive authority to appoint the Deputy General Directors upon the recommendation of the General Director (Article 37(5), Government of Kosovo, 2012a). This marks a remarkable shift toward the central dynamic, and away from the earlier UNMIK provisions which gave a greater role to local representatives in the process of selecting senior police staff. The earlier legislation provided that the Senior Police Appointments and Discipline Committee (SPADC) had authority to interview and select candidates for the most senior posts and recommend a short-list of three (for each position) for final choice and appointment by the Minister. Each
Municipality would nominate representatives to participate in the SPADC on a rotational basis, thereby ensuring that all ethnic groups and political parties had a voice in senior police appointments. This crucial ingredient to lasting stability in a deeply divided society has been removed, and the authority to appointment senior police staff is concentrated in the hands of one political party of the majority ethnic group. This is a cause for concern among those who wish to see lasting stability and peace in Kosovo.

The concern about the overtly dominant role of the central dynamic in Kosovo is not merely a matter of legal theory. In July 2011 the Prime Minister - whose administration introduced these amendments to the Police Law – acted in apparent breach of the same Law by peremptorily dismissing the General Director of the Kosovo Police because of a dispute about an operational policing matter (Balkan Insight, 2011). There is growing evidence, therefore, of a pronounced dynamic shift in Kosovo, as depicted in Figure 5.1. The local dynamic has effectively disappeared and the central dynamic has increasingly adumbrated the independence dynamic, in a strong movement toward the ‘subordination and control’ approach. This dramatic shift seems to form one part of the ruling political party’s ambition to exercise exclusive control of all parts of the Administration, not just the police. For the purposes of the present study this change must have important implications, in terms of the perceptions of KP officers of the Ministry and its means of ensuring police accountability – the PIK. This point will be examined more closely at the end of the Chapter.
5.4 PIK’s role in police governance in Kosovo

The Police Inspectorate of Kosovo (PIK) was established in July 2006 as an oversight agency for the Kosovo Police (KP) and derived its authority from that of the Ministry of Internal Affairs (UNMIK, 2005b, Section 9.3; UNMIK, 2005a, Annex XVI (vi)). The law relating to the PIK has been amended several times since 2006, and the organization is currently regulated by Law No.03/L-231, the Law on the Police Inspectorate of Kosovo (Government of Kosovo, 2010). It is the mission of the PIK to ensure an “accountable, democratic and transparent police service” (Government of Kosovo, 2010, Article 3). This overall aim is achieved via six specific objectives under the PIK Law (see Chart 5.1).

In general terms the PIK seems to satisfy the basic requirements of external oversight advocates: i.e. it is civilian, independent of the police, and combines reactive and proactive functions. According to Article 2 the PIK is an ECO mechanism that combines two primary functions. Firstly, the PIK has authority to investigate allegations of crime committed by KP officers of all ranks (Article 2.1 & 2.4) - the ‘reactive’ function. The 2010 PIK Law marked a significant change in the scope of the PIK reactive function, moving the PIK competency away from serious discipline allegations (as defined under the old legislation - UNMIK, 2005b, Section 9.1(b); UNMIK, 2006, Section 11.4) to allegations that, if proved, would amount to a criminal matter.

Secondly, it performs an inspection function, scrutinizing the structures and functions of Kosovo Police to ensure accountability, effectiveness and efficiency in the implementation of the law (Article 2.1). This broadly corresponds to the proactive
role advocated by Brereton (2000, p. 118) and others (Lewis, 1999, p. 82; Lewis & Prenzler, 1999, p. 6; Auerbach, 1999, p. 8; Walker, 2001, p. 179; Maguire, 1991, p. 178; Newton Cain, 2002, p. 146). However, the inspection function appears not to be limited only to matters pertaining to conduct (or the causes of misconduct): the wording of Article 2.2 suggests a broader concern with police performance in achieving objectives and, therefore, perhaps indicating a link to those complaints against police that concern failures to perform correctly.

<table>
<thead>
<tr>
<th>Table 5.1 - Legal objectives of the Police Inspectorate of Kosovo (Article 2)</th>
</tr>
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<tbody>
<tr>
<td>(1) prevention, detection, documentation and investigation of the criminal offences committed by Kosovo Police employees, regardless of rank and position while on duty or off duty;</td>
</tr>
<tr>
<td>(2) inspection of the structures and functions of Kosovo Police to ensure accountability, effectiveness and efficiency in the implementation of applicable laws, sub-legal acts and standard operational procedures that are in force;</td>
</tr>
<tr>
<td>(3) investigation and/or inspection of high profile disciplinary incidents, involving KP employees, as defined in Article 4, paragraph 1, and sub-paragraph 1.11 of this law;</td>
</tr>
<tr>
<td>(4) investigation of all alleged disciplinary offences of police officers having the highest rank of the senior police management level and senior appointed police positions;</td>
</tr>
<tr>
<td>(5) when there is a based suspicion that the General Director of Police has committed disciplinary violation, the Prime Minister may authorize the PIK to conduct the disciplinary investigations. Upon completion of disciplinary investigation the PIK shall report on findings to the Prime Minister;</td>
</tr>
<tr>
<td>(6) to receive all citizens complaints, as well as to review and determine where the complaints will be disseminated for investigation, either to the Kosovo Police, or PIK.</td>
</tr>
</tbody>
</table>
The two functions were implemented separately in a phased capacity building programme conducted by the OSCE. The proactive function was implemented first, commencing in July 2006 with a six month training programme (PIK, 2006f, p. 7); in October 2007 the reactive function became operational after a six month programme (PIK, 2007f, p. 9). A closer examination of the PIK Law is required, however, to ascertain the extent to which it corresponds or diverges from the views of holistic advocates. The Chapter will now explore the PIK’s independence, and reactive and proactive functions, in greater detail.

5.5 PIK independence

According to the relevant law (Article 6, Government of Kosovo, 2010), the PIK is established as an executive agency of the Ministry of Internal Affairs, independent from the Kosovo Police, and stated to be ‘apolitical’, even though it “functions under the authority of the Minister” (Article 10, Government of Kosovo, 2010). It operates under the “control and supervision” of the Chief Executive Officer (CEO) who manages the budget (Article 9, Government of Kosovo, 2010). Although not fully defined in law, the term ‘executive agency’ was introduced by the UNMIK interim constitutional framework for Kosovo (UNMIK, 2001, Chapter 9.3.3) and provides for certain specialist entities within the government administration that, although linked to a parent Ministry, exercise a degree of operational autonomy. The CEO only answers to the Minister, has independent authority for the agency’s budget and does not rely upon the administrative support of the Ministry. If independence is construed as ‘impartiality’ or ‘neutrality’ – the majority finding of research into the beliefs of
ECO agencies in the British Isles (Savage, 2012, p.8 of 19) – the PIK might stake a strong claim on the basis of its non-police staff and distinctly separate organization.

The PIK broadly meets the EPAC definition of a ‘police oversight body’, since it has a defined statutory responsibility for oversight and matches many of the EPAC principles (EPAC, 2011, p. 5). However, the PIK forms part of the government administration, deviating from the EPAC principle that an oversight agency “should ideally not form part of the executive branch of government” (EPAC, 2011, p. 6). Much like HMIC, PIK operates as an extension of the Ministry that has a policy control function for the police (Oliver, 1997, p. 75; Government of Kosovo, 2010, Article 6 & 10). However, the all-civilian PIK would claim to be more independent of the police than the HMIC, and has a budget that is quite separate from that of the police and Ministry (Government of Kosovo, 2010, Article 9). In spite of its name and unlike other ‘police inspectorates’ in the former-Yugoslavia (Downes, 2004, pp. 52-53), the PIK is comprised exclusively of civilian staff and is not – directly or indirectly – linked to the KP or otherwise dependent upon the police organization for finance or equipment or logistical support. It is, however, solidly linked to the Ministry of Internal Affairs and provides the means whereby the Ministry can exercise active oversight of the police, whilst respecting the principle of police operational responsibility (Government of Kosovo, 2010, Articles 6 & 10).

In spite of its status as fully independent of the police organisation, the PIK link to the parent Ministry is at odds with the views of Lewis (2000, p. 35), Bayley (2006, p. 52), Sossin (2003, p. 4) and other holistic oversight advocates (EPAC, 2011, p. 6). These policing scholars argue that a close link to the executive risks exposing
the oversight agency to unsympathetic political forces that might easily view the war on crime and the need to support the police as more likely to win votes than tackling police abuse of civil rights. These scholars would - with some justification - challenge the PIK Law’s indication that this oversight agency is guided by the principle of “political impartiality” (Government of Kosovo, 2010, Articles 5(3), 6(2), & 12(1)). It can be readily argued that the statutory role of the Minister (an elected politician) has the obvious potential of circumscribing the autonomy of PIK decision-making. The PIK forms part of the Ministry (Article 6); it functions under the authority of the Minister (Article 10(1); the Minister sets its strategic objectives, ensures its coordination with KP, and provides its secondary legislation (Article 10(2)); the Minister establishes a Commission to select CEO candidates, then appoints one its candidates (Article 13(2) & (3)).

5.6 PIK reactive function

Since its inception in 2006 the PIK, in spite of setbacks, has performed an important and effective role in investigating complaints against police officers. The history of PIK investigations falls into two distinct parts, corresponding to the change in its governing legislation: 2007 – 2010, and 2011 – 2012. In each period the evidence suggests that the PIK staff were able to successfully investigate complaints and allow the relevant adjudicating authority to make a decision. Each of the two periods will be discussed and PIK performance data explored.

UNMIK Regulation 2005/54 (UNMIK, 2005b) and UNMIK Administrative Direction 2006/9 (UNMIK, 2006) – the first PIK legal framework - replaced a system whereby all complaints against KP officers were investigated exclusively by police
officers of the Professional Standards Directorate (PSD). Until its full transfer to the KP in October 2005, the PSD comprised both KP officers and UN Civilian Police (PIK, 2007a, p. 4). Mirroring the principle explained by Lewis (1999, p. 77), the new UNMIK legislation did not exclude KP officers from the process of resolving complaints. Under the 2006-2010 legislation, all complaints were initially directed to the PIK, evaluated and recorded. The evaluation involved deciding whether the allegation of misconduct would – if proved – amount to a criminal offence or serious discipline offence or minor discipline offence (UNMIK, 2006, Section 11.4). Criminal allegations were forwarded to a public prosecutor for appropriate action. Complaints in respect of minor offences were sent by the PIK to the UNMIK Police Commissioner for investigation by the PSD. In the case of allegations that amounted to serious misconduct against police officers of any rank – including forms of corruption – the PIK officers led the investigation. Sections 12 and 13 of UNMIK Administrative Direction 2006/9 defined a number of offences as either serious or minor. In this way the UNMIK legislation created a graded response mechanism similar to that of the IPCC which, as Seneviratne (2004, p. 335, cited by Savage, 2007, p. 39) points out, falls short of a fully independent system of investigating complaints.

Under the PIK Law 2010 the PIK continues its function of receiving, recording and grading complaints (Government of Kosovo, 2010, Article 2(1)6), but the categories are simplified and the PIK competence is radically changed. The PIK must decide whether a complaint, if proved, would amount to a criminal offence; if not a criminal offence, the PIK must consider whether the alleged behaviour, if substantiated, would amount to a disciplinary offence (Government of Kosovo, 2010,
Article 2 & 18). All cases of alleged criminal behaviour are investigated by the PIK (and not the KP) in close cooperation with the Public Prosecutor; discipline cases, unless deemed to be “high profile”\(^{14}\) or involving senior police officers, are referred to the KP Director General for investigation by the PSD (Article 2(1)3 & 4). Thus the former distinction between minor and serious discipline offences is dissolved, and, more importantly, the PIK has responsibility for the investigation of criminal cases. These changes brought the PIK in line with the relevant EPAC principles, in terms of competence for criminal and high profile matters (EPAC, 2011, p. 6).

| Table 5.2 - Complaints recorded by PIK: 2007 - 2010\(^{15}\) |
|-----------------|-------|-------|-------|-------|
| Citizen Complaints | 122    | 789    | 782    | 590    |
| Complaints from other KP employees | 128    | 1,235  | 906    | 595    |
| Complaints investigated by PIK (serious discipline offences) | 0      | 482    | 599    | 408    |
| Completed cases that were referred to SPADC | 0      | 157    | 139    | 100    |
| Total Cases | 250    | 2024   | 1688   | 1185   |

\(^{14}\) According to Article 4 the term “high profile” discipline offences include: (1) direct conflict or incidents between the police and communities that relate to racial, ethnic or discriminatory acts; (2) an acute problem of a direct conflict between the police and the community. The conflict may take the form of police harassment, brutality or excessive force; (3) all use of lethal force incidents; (4) death in police custody; (5) fatal traffic accidents involving police employees.

\(^{15}\) PIK, 2011a, page 5.
How effective was the PIK reactive function? Table 5.2 provides a brief analysis of PIK performance in the first period. The OSCE training programme for PIK investigators ended in September 2007 and the team of twenty investigators began to record and categorize complaints between October and December of that year. A few cases were investigated toward the end of the year but, since the investigations ended after the end of December, these initial cases were recorded under the 2008 figures.

As can be seen in Table 5.2 the PIK began to fully implement the new legislation in 2008. In that year, the PIK recorded 1,235 complaints and investigated 482 of these as ‘serious discipline allegations’ and passed most of the remaining cases to PSD for investigation (PIK, 2008, p. 159); in 2009 a total of 1,688 complaints were recorded, and PIK investigated 599 as ‘serious discipline allegations’ (PIK, 2009, p. 224); and in 2010 a total of 1,185 cases were recorded and 408 investigated as ‘serious discipline allegations’ (PIK, 2010, p. 173). On average the PIK investigators referred about 25% of the cases they investigated to the SPADC for adjudication: 157 (32%) in 2008, 139 (23%) in 2009 and 100 (24%) in 2010.

Although PIK staff began investigations at the end of 2007, SPADC hearings finally began in June 200916, after many months of delay in the approval of the list of Municipal representatives by the Minister. This meant that a backlog of over 200 cases had built up by the time of the first hearing. This problem was further exacerbated by the slow rate of progress with SPADC hearings in 2009 and 2010. However, between the start of SPADC hearings and the end of 2010 the Committee

16 Note for the File – Hearing Session of SPADC, 3rd July 2009, Department of Security and Public Safety (DSPS), OSCE Mission in Kosovo.
made a total of 359 discipline recommendations (PIK, 2011, p. 13), suggesting that the backlog was being tackled. As evidenced in Chapter 6, some KP officers view the PIK as responsible for the backlog and consequent delay in finalizing cases during this period.

Since the introduction of the new legislation the PIK has expressed greater optimism that it can make an effective contribution (PIK, 2011b, pp. 13-18). However, the new legislation means that the PIK has responsibility for investigating a significantly reduced proportion of the complaints it receives. In 2011 PIK recorded 649 complaints against KP officers (PIK, 2011b, p. 13) and, following a period of formal training, the agency’s staff investigated 164 complaints of alleged criminal behaviour (PIK, 2011b, p. 15 - 17). In 2012 PIK received and recorded 1,078 complaints and forwarded 776 cases to the Professional Standards Directorate. Of the remaining cases 292 were investigated as possible criminal offences and a decision to charge was made in 122 cases. At the request of the PIK, a total of 66 KP employees were suspended and 6 employees were transferred pending a final decision of a court. Although the evidence is admittedly limited to the 2011/12 complaint data, it suggests that although the PIK will now have authority to investigate all of the most serious complaints against police under the PIK Law2010, the overall proportion of complaints the agency will deal will greatly reduce.

Prior to the introduction of the PIK in 2006, all complaints were handled by an internal police agency known as the Professional Standards Directorate (PSD), and it continued after 2006 albeit with a diminished if complementary role. As much as 50% of all complaints continued to be dealt with exclusively by the PSD under the new law in 2012, and this might be a cause for concern. The only independent
assessment of the PSD that has been published is the PIK report of April 2007 (PIK, 2007a), which relates to PSD performance in 2006. During that year PSD received 854 complaints. A total of 278 (32.5%) cases resulted in disciplinary action and 185 (21.6%) cases were under investigation or awaiting decision at the close of the year. In the remaining 130 cases the officers were not found guilty or the matter was referred back to the officer’s supervisor for resolution.

No data is available regarding the perception of complainants about the efficacy of the system before the PIK was introduced, or subsequently up to the end of 2012. However, the PIK did find two areas of concern. Firstly, KP procedures allowed for a system of informal resolution but failed to record the number of such cases and the nature of the complaints (PIK, 2007a, Para. 2.8). Secondly, the PIK found that the appeal process (after an officer is found guilty) was seriously flawed. The appeal panel was composed exclusively of senior KP officers (PIK, 2007a, Para. 2.3) and, in the first three months of 2007, over 74% of KP officers were successful on appeal against a discipline decision (PIK, 2007a, Para. 2.12). This extraordinarily successful appeal system meant that, in real terms, the probability of an officer being properly disciplined was reduced to just 8% rather than 32%. This performance, combined with the delays in finalising cases, suggests that – following the change in Law – PSD and the police appeal system must be monitored closely by the PIK to ensure that the police-controlled complaint system operates with integrity.

Among its legal powers, the PIK is competent to deal with complaints by police officers against other KP employees – the most important reactive function according to Lewis and an important “strength” of the CJC (1999, pp. 75-76). What is
striking in the case of the KP is that the majority of complaints (over 50%!) are made by KP employees, whereas, even at its peak in 1994-5, the CJC could only claim 16.7% (Lewis, 1999, p. 74). Lewis (1999, p. 73) points out that many oversight agencies either do not have this power or are restricted to serious allegations, and argues that its absence tends to encourage the closing of ranks and obstruction of complaint investigation. Clearly the KP demonstrates a very different culture in which there is a readiness to enter complaints against other staff members. This important feature of the KP culture is explored more closely in the next stage of the research, through an examination of the perceptions of officers who admit to making complaints against others (see Chapter 6).

5.7 PIK proactive function

As defined in Article 25(4) of the PIK Law (Government of Kosovo, 2010, p. 10) the PIK inspection function consists of a series of twelve ‘ordinary inspections’ in every fiscal year. As indicated in Table 5.3, each inspection focuses on one management theme. The inspection process involves visiting the relevant police stations and KP Departments or Units and, using structured interviews and data gathering techniques, collecting and collating data in respect of certain police management performance areas or themes (Government of Kosovo, 2010, Article 25). Each ordinary inspection focuses on one thematic area but seeks out information from a variety of sources in order to build an accurate picture of current performance in areas such as arrests and detention, road traffic policing, budget and finance, crime investigation, human resources, and other areas listed in Table 5.3. The accent is on effectiveness (achievement of core police objectives), efficiency (achieving objectives in a cost-effective manner).

17 As indicated in Table 5.2, 61% of complaints were made by other KP officers in 2008, 53% in 2009, and 50% in 2010.
effective manner), and compliance with the applicable law (including European Code of Police Ethics [ECPE] standards) (PIK, 2006f, p. 8).

Table 5.3 - Article 25 (4) - Law on Police Inspectorate of Kosovo (2010)

25(4). Inspections include but are not limited to the following areas:
1. police buildings, infrastructure and all related assets;
2. budget, finance, logistics and procurement management;
3. vehicle fleet and police equipment management;
4. human resources management;
5. management of firearms, ammunition and other equipments;
6. escort, detention and arrest procedures;
7. traffic patrol and road safety management;
8. crime detection, investigation, and case management;
9. management of complaints and disciplinary investigations;
10. border control, protection and migration management;
11. management of local policing planning, community safety and initiatives of community policing; and
12. management of personal data processing in compliance with the applicable law.

Data derived from each inspection undergoes a process of analysis: important trends and patterns of performance are mapped, best practice is identified and areas of weakness are isolated (PIK, 2006f, p. 10). Key conclusions are drawn and assembled into progress reports on police performance that include key recommendations for future action by the Police Commissioner and his/her senior staff (PIK, 2006f, p. 8). An effort is made to ensure that these reports are properly balanced and that the recommendations are realistic and achievable, given the limitations on budget and other police resources (Government of Kosovo, 2010, Article 27; PIK, 2006f, p. 10).
In subsequent years, the PIK looks for specific responses to its recommendations, thereby exerting cumulative pressure on senior police staff to cooperate in an continuous process of reform (PIK, 2006f, p. 9).

There are obvious and strong parallels, therefore, with the general strategy and methodology of Her Majesty’s Inspectorate of Constabulary (HMIC). The PIK emphasis on efficiency and effectiveness echoes the HMIC role (Oliver, 1997, p. 73), as well as its concern with output-oriented management regimes rather than “behavioural change” (Oliver, 1997, p. 77). In this way the PIK, in general terms, exercises a policy review function in respect of the management performance of the KP but appears to diverge sharply from the preferred direction of oversight advocates – i.e. the emphasis on behavioural change and the link to complaint data (Lewis, 1999, p. 98; Walker, 2001, p. 93; Walker, 2006b, p. 14). However, it is arguable that the scope of PIK policy review is much more ambitious than that suggested by advocates of holistic oversight. Although the legislation does not overtly link PIK policy recommendations to police complaints and police misconduct (other than the more indirect link to management of complaints and disciplinary investigations under Article 25(4)9), the focus on verifying compliance with the applicable law and ECPE standards, creates a policy review avenue broad enough to embrace behavioural change.

How effective are the PIK recommendations is achieving the sort of organizational change envisaged by Walker’s question, in terms of being associated with lower levels of misconduct (2007, p.21)? In terms of scope, the PIK policy review has always been more ambitious and comprehensive than the narrow link to
misconduct that oversight advocates call for. Indeed, in terms of the PIK’s legal framework (both UNMIK Regulation and Assembly Law), the scope reflects the emphasis in England and Wales on cost-effectiveness and business-like management (Oliver, 1997, p. 27), often referred to as the New Public Management phenomenon (Pollitt & Bouckaert, 2004, 90; Dawson & Dargie, 2002, p. 35; Osborne & McLaughlin, 2002, p. 9). It is arguable that the emphasis on inspecting KP compliance with the law represents a more holistic approach to tackling potential and actual misconduct and performance failure than the exclusive link to complaint data that is advocated by some policing scholars (Lewis, 1999, p. 98; Walker, 2001, p. 93; Walker, 2006b, p. 14).

Prior to the 2010 PIK Law the evidence suggested that the PIK model combined an ambitious reform agenda with a weak authority for policy implementation (Harris, 2008, p. 47). The role of the Ministry, particularly in regard to the policy recommendations of the PIK, was concordant with Oliver’s (1997, p. 14) call for “persuasion and consultation” rather than statutory direction. It is noteworthy that an independent audit found a similar weakness in respect of IPCC recommendations to police organizations in England and Wales that related to matters arising from complaints (National Audit Office, 2008, par. 31). The relevant UNMIK legislation provided no clear instruction regarding what, if any, response was required by the KP to specific PIK policy recommendations. In terms of authority to require a response to the PIK recommendations the UNMIK law was silent and this was almost certainly a factor in the negligible impact on KP behaviour (Harris, 2008, p.53). This *lacuna legis* was effectively closed by the PIK Law in 2010 (Government of Kosovo, 2010, Article 27). However, due to insufficient data from the period 2011-12 (i.e.
after the change in law), it proved impossible to explore the possible relationship between PIK recommendations and corresponding changes in the KP organization as a result of the change in legislation.

5.8 Concluding note

The examination of the available secondary evidence relating to the PIK (and its host, the KP), has revealed a number of important insights into its legal structure and authority, its role in the changing dynamic of police governance in Kosovo, and its potential – if not actual – impact on levels of misconduct among Kosovo Police employees. It will be important to fully analyse the meaning of the secondary data results of the present Chapter, and link them back to the overall aims and objectives of the study. In Chapter 7 the study will explore and interpret the results obtained in Chapter 5, linking back to the broader ECO literature, explaining the broader implications of the results and identifying their limitations.

In the next Chapter the study will move to the second phase of the PIK case study, presenting and interpreting the primary data sources.
Chapter Six

Case Study (2): Police Perceptions of the PIK

6.1 Introduction

Chapter Six will critically examine the findings of primary research regarding patterns of beliefs, attitudes and perceptions\textsuperscript{18} about external oversight (i.e. the PIK) among a group of Kosovo Police (KP) officers, and evaluate the implications for improved policing standards and reduced misconduct. As described in Chapter Four, the research falls into two main parts, corresponding to the qualitative and quantitative methods employed. Firstly, the Chapter will present an analysis of the data obtained through use of a structured questionnaire, exploring the perceptions of several hundred KP operational officers in the first four ranks. Secondly, it will present and contrast the main patterns of beliefs that emerged from the semi-structured interviews with senior KP officers.

It is important to clarify again the decision to focus on the perceptions of KP officers about PIK, rather than the other stakeholders (the PIK, complainants) in Kosovo’s complaint system. As noted by Walker and Bumphus (1992, cited by Prenzler, 2000, p. 661), Prenzler & Lewis, 2005, p. 77), de Guzman (2004, p. 167) and discussed under Chapter 4 of the present study, measuring oversight effectiveness is difficult because of the number of variables involved, conflicting ways of interpreting data and the problems of hidden misconduct. A number of factors

\textsuperscript{18} These terms are used in that sense described by Oskamp, & Schultz (2004, p. 9) as a “cognitive component” – i.e. ideas and beliefs one has about an object.
intervene and prevent a simplistic analysis in recorded cases of transition from what will be called ‘police-centric systems’ of complaint investigation (i.e. where only the police investigate the police) to systems in which investigations are conducted exclusively or – more frequently – jointly with police investigators. Since it becomes impossible to talk of exact causes in the “complex network of causality”, one can only describe known correlates or associations (Oppenheim 1992, p. 17; de Guzman, 204, p. 168). In his research studies de Guzman (2004, 2007) has pointed to evidence that the perceptions of police officers about the impact of ECO can be a valid and useful measure. He points to the “learning” construct as the basis for measuring police perceptions: i.e. that the police acknowledge that ECO represent “mechanisms for controlling and changing police behaviour” (de Guzman, 2004, p. 167). Thus, the present research seeks to test the claims of de Guzman and other researchers, and to add to the corpus of evidence regarding police perceptions.

6.2 Police Inspectorate themes

Four statements listed in the questionnaire are intended to elicit information about the respondents’ beliefs and attitudes toward the PIK: (1), (2), (4) and (5). The results will now be examined. In general, the responses reveal a certain degree of KP support for the role of the PIK. Table 6.3 presents the data from all the respondents, without differentiating their degree of exposure to the PIK or complaints system. In response to the first statement - which suggests a link between KP respect for citizens’ rights and the presence of the PIK - the majority (58.5%) of respondents agreed in varying degrees.
Table 6.2 - Overall results of the questionnaire study (all ranks/categories)

<table>
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<tr>
<th>Question</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- &quot;Kosovo Police officers are more likely to respect the rights of</td>
<td>34</td>
<td>115</td>
<td>176</td>
<td>56</td>
<td>111</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>citizens because of the presence of the Police Inspectorate.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 553 Frequency</td>
<td>6.1</td>
<td>20.7</td>
<td>31.7</td>
<td>10.1</td>
<td>20</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Q.2 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- &quot;Police Inspectorate helps KP officers perform to high standards of</td>
<td>27</td>
<td>140</td>
<td>182</td>
<td>64</td>
<td>95</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>integrity and honesty.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 553 Frequency</td>
<td>4.9</td>
<td>25.2</td>
<td>32.7</td>
<td>11.5</td>
<td>17.1</td>
<td>7.7</td>
<td></td>
</tr>
<tr>
<td>Q.3 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- &quot;Police misconduct in Kosovo has decreased in recent years.&quot;</td>
<td>37</td>
<td>178</td>
<td>202</td>
<td>50</td>
<td>42</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>n = 527 Frequency</td>
<td>6.7</td>
<td>32</td>
<td>38.3</td>
<td>9.4</td>
<td>7.9</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>Q.4 How much do you agree or disagree with the following statement?</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- &quot;PIK officers conduct thorough and professional investigations.&quot;</td>
<td>28</td>
<td>154</td>
<td>208</td>
<td>47</td>
<td>61</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>n = 526 Frequency</td>
<td>5.3</td>
<td>29.2</td>
<td>39.5</td>
<td>8.9</td>
<td>11.5</td>
<td>5.3</td>
<td></td>
</tr>
<tr>
<td>Q.5 How much do you agree or disagree with the following statement?</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>- &quot;Complaints against KP staff should be dealt with by an external/independent agency.&quot;</td>
<td>42</td>
<td>105</td>
<td>86</td>
<td>57</td>
<td>161</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>n = 529 Frequency</td>
<td>7.9</td>
<td>19.8</td>
<td>16.2</td>
<td>10.7</td>
<td>30.4</td>
<td>14.7</td>
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</tr>
<tr>
<td>Q.6 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>- &quot;Professional Standards Directorate staff are more effective</td>
<td>31</td>
<td>114</td>
<td>182</td>
<td>70</td>
<td>107</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>investigators of complaints against Kosovo Police staff than Police</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspectorate officers.&quot;</td>
<td>3.8</td>
<td>21.6</td>
<td>34.6</td>
<td>13.3</td>
<td>20.3</td>
<td>4.1</td>
<td></td>
</tr>
</tbody>
</table>

However, a study of the categories of officers who have had experience of the complaints system reveals an interesting pattern of beliefs among the KP respondents. Among those officers who stated that they had been investigated by the PIK, 49.5% expressed agreement; and similarly, 50.7% of those who stated that they had been investigated by PSD expressed agreement. Whereas 61.2% of officers who had not
been investigated by PIK expressed agreement; and 62.6% of officers who had not been investigated by PSD agreed with the statement.

This evidence suggests that there is a good degree of underlying support for the role of the PIK among KP officers, as graphically depicted in Chart 6.1. Over half the respondents expressed a belief that the presence of the PIK has an ameliorating impact on police standards. Although the level of support is lower among officers who have had direct experience of being investigated (by either PIK or PSD), it is nevertheless approaching half of all respondents. Interestingly, support for the first statement is higher among officers who indicated that they had made a complaint against another officer (54.8% agreed) and officers who had given evidence against another officer (54.3% agreed). This evidence is perhaps more important than the two categories of investigated officers, since those who make complaints or give evidence inevitably include persons who are victims or somehow equivalent to non-police ‘complainants’ or aggrieved parties.

Chart 6.1 – Analysis of responses to Statements 1-4
Although the overall support is less than in his study, the above results seem to be broadly concordant with those of de Guzman, who found that 55.1% of respondents who had been investigated (by the oversight agency) agreed with a similar statement (“The potential of receiving complaints before the PLEB [oversight agency] stops police from violating an individual’s rights”); and no less than 72% of respondents who had not been investigated agreed with the statement (2004, p.177).

The evidence in response to the second statement is probably the more important indication of positive sentiment toward the PIK by the KP respondents. Table 6.3 reveals that 62.8% of respondents agreed with the statement that the ‘Police Inspectorate helps KP officers perform to high standards of integrity and honesty.’ Importantly, a majority of respondents who have been investigated by the PIK (57.1%) and by the PSD (57%) also agreed with the statement that links the PIK to higher KP standards (see Tables 6.3 and 6.5 in Appendix E). Moreover, the agreement with this statement is even greater among respondents who had made a complaint against another KP officer (60.8%) and those who stated that they had given evidence against another officer (60%) (see Tables 6.7 and 6.9 in Appendix E). This finding is of course the most relevant to the overall objective of the research: namely, the search for evidence in support of Walker’s proposition that the PIK (or its procedures) is associated with improved standards among KP officers.

Statement 4 (“PIK officers conduct thorough and professional investigations”) also attributes a positive quality to the PIK and acts as an important test of consistency in the responses to statements 1 and 2: any significant variation in the pattern of responses across the three statements would suggest that the results might be
unreliable. As displayed graphically in Chart 6.1 the results more than echo the responses to the earlier statements. Overall 74% of respondents agreed with the statement that the “PIK officers conduct thorough and professional investigations” (see Table 6.3). This generous endorsement gains credibility by being confirmed by 71.9% of respondents who had been investigated by the PIK and 71% of those investigated by PSD (see also Tables 6.3 and 6.5 in Appendix E). Although this pattern is followed by those who had given evidence against another KP officer (73.9%), it finds 64.4% support among those who had made a complaint against another KP officer (see Tables 6.7 and 6.9 in Appendix E).

The response to statement 4 and the earlier two suggest an emergent pattern of beliefs among the respondents, one that appears to confirm the findings of de Guzman and supports the truth of Walker’s proposition. It is arguable that the pattern of beliefs is further reinforced by the strong responses in favour of statement 3: that “police misconduct in Kosovo has decreased in recent years”. This statement gained the highest level of agreement overall, with 77% of respondents indicating some degree of approval (see Table 6.3). Yet higher levels of approval were found among KP officers with experience of the PIK and the complaint system. Among both respondents who had been investigated by PIK and those who had been investigated by PSD this statement found over 80% agreement (see Tables 6.3 and 6.5 in Appendix E); and among those who had made a complaint it found 78.1% approval and among those who had given evidence 79.3% agreement (see Tables 6.7 and 6.9 in Appendix E).
As will be discussed later, caution is required when interpreting these results. Although the PIK had been active during the period 2007 – 2012 in investigating complaints, it shared that responsibility with the PSD – the KP internal investigation function. It cannot, therefore, be deduced that the respondents were expressing a belief that the decrease in misconduct was solely attributable to PIK activity during that period (i.e. “recent years”). Indeed, as will be discussed, the responses to statements 5 and 6\(^{19}\) would suggest that this is not the case.

Nevertheless, the findings in respect of statements 1 - 4\(^{20}\), taken together, seem to suggest a strong pattern of beliefs among the KP respondents that the presence of PIK has had a positive impact on KP standards and conduct. A majority of the KP respondents expressed beliefs that the PIK conduct thorough and professional investigations, that they help KP officers perform to high standards of integrity and honesty, and that KP officers are more likely to respect the rights of citizens because of the presence of the PIK. Importantly, these beliefs are echoed – often strongly – by officers who have had experience of being investigated, as well as those who have made complaints or provided evidence against a fellow officer. If taken alone, this evidence might have resulted in an endorsement of Walker’s proposition and further confirmation of de Guzman’s study. However, responses to the other statements would suggest the need for caution and a more measured appraisal of the respondents’ beliefs about the PIK.

\(^{19}\) i.e. (5) Complaints against KP staff should be dealt with by an external/independent agency; and (6) Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.

\(^{20}\) i.e (1) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate; (2) Police Inspectorate helps KP officers perform to high standards of integrity and honesty; (3) Police misconduct in Kosovo has decreased in recent years; (4) PIK officers conduct thorough and professional investigations.
6.3 Professional Standards Directorate themes

The strong support for the PIK among respondents did not preclude an equal measure of support for the Professional Standards Directorate (PSD). Statement 6 asked respondents to indicate their level of agreement or disagreement with the following statement: “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.” As seen in Chart 6.2, 60% of respondents overall agreed with this statement, thereby diminishing the apparent support recorded under statements 1, 2 and 4, which make positive assertions about the PIK. This high level of agreement is mirrored by officers who had been investigated by PIK (62.7% agreed), and, perhaps surprisingly, those who had been investigated by PSD (59.8% agreed) (see Table 6.3 in Appendix E). Interestingly, however, a slightly less supportive pattern is found among the other categories of respondent with experience of the complaint system. Among those who had made a complaint against another officer 53.7% agreed with the statement, and 56% of those who had given evidence against a fellow KP officer agreed with that statement (see Tables 6.7 and 6.9 in Appendix E).

As vividly depicted in Chart 6.2, there is evidence that many KP officers hold a belief that police officers are more competent to investigate fellow police officers than the PIK. This conclusion is reinforced by the responses obtained to statement 5: “complaints against KP staff should be dealt with by an external/independent agency.” In overall terms 55.8% of respondents disagreed with this statement, almost matching the pattern found with statement 6 (see Table 6.3). A similar level of disagreement is found among both those who had been investigated by the PIK
(55.4%) and those who had been investigated by the PSD (54.7%) (see Tables 6.3 and 6.5 in Appendix E). Yet about half (49.9%) of those who had made a complaint against another officer and slightly less (48.9%) of those who had given evidence against a KP officer agreed with the statement (see Tables 6.7 and 6.9 in Appendix E).

Chart 6.2 – Analysis of responses to Statements 5 and 6

At one level there appears to be an apparent contradiction within the evidence obtained in the study. Respondents seem to express strong beliefs that the PIK has had a positive impact upon the KP and, at the same time, they reveal almost equally strong beliefs that a police-centric system of resolving complaints is preferred over a non-police system. However, there is another interpretation that might explain this apparent anomaly: the KP responses might reflect the reactions to the two, distinctly different roles of the PIK: i.e. the ‘reactive’ and ‘proactive’ functions. It might be the
case that statements 1, 2 and 4\textsuperscript{21} have been interpreted as being related to the ‘proactive’ role; whereas statements 5 and 6\textsuperscript{22} are explicitly related to the ‘reactive’ (complaint investigation) role. This problem of interpretation will be discussed more fully later.

6.4 Level of misconduct themes

As noted by research scholars, the task of evaluating the impact of external oversight agencies is extremely complex, not least because of the difficulty of accurately measuring the level of misconduct. Proving an agency’s efficacy by reference to the number of complaints and conviction rates is problematic due to a variety of confounding factors (de Guzman, 2004, p. 166). Official statistics of complaints against police cannot provide an accurate picture of the actual level of misconduct or track changes in the level of misconduct as a result of the introduction of external oversight. This lack of certainty results from the unquantifiable variables in the correspondence between the actual number of incidents of misconduct and the recording of complaints. These variables notably include vexatious complaints, decisions not to make a complaint even though justified, and cases where the police decide not to record a complaint. It is simply impossible to draw unequivocal conclusions from the increase or decrease in the number of complaints (de Guzman, 2004, p. 168). Although not free of problems of interpretation, police perceptions about the nature and degree of misconduct offer a potentially useful way of

\textsuperscript{21} (1) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate; (2) Police Inspectorate helps KP officers perform to high standards of integrity and honesty; and (4) PIK officers conduct thorough and professional investigations.

\textsuperscript{22} i.e. (5) Complaints against KP staff should be dealt with by an external/independent agency; and (6) Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.
triangulating evidence drawn from official statistics and, if available, public opinion surveys.

<table>
<thead>
<tr>
<th>Table 6.11 - KP officers’ perceptions of common types of misconduct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Which of the following types of misconduct among KP officers causes you most concern? (n = 555)</td>
</tr>
<tr>
<td>Graft or taking bribes</td>
</tr>
<tr>
<td>Insubordination or poor performance</td>
</tr>
<tr>
<td>Abuse of human rights</td>
</tr>
<tr>
<td>Excessive use of force</td>
</tr>
<tr>
<td>Other types of misconduct</td>
</tr>
<tr>
<td>Not completed</td>
</tr>
</tbody>
</table>

Question 7 of the questionnaire takes the form of a multiple-choice question (Cohen, Manion & Morrison, 2007, p 323) and asks respondents to select one of five different types of misconduct among KP officers that causes them most concern. The results are indicated in Table 6.11.

That almost 45% of respondents express the concern that graft or taking bribes is the form of misconduct that causes most concern is both surprising and intriguing, given the other available evidence about KP misconduct. Indeed the pattern of beliefs among the respondents seems to be the reverse of statistics published by the PIK at about the same time. In the period June – December 2011 the PIK recorded a total of

23 It is recognized that the wording of this question (whether in English or Albanian or Serbian) is ambiguous, a matter that was sadly not identified at the planning stage. Respondents are asked which type of behaviour causes them most “concern” and this might be interpreted as meaning either ‘more serious or grave’ in itself, or more prevalent in the KP. It was the latter sense that was intended by the author and it is acknowledged that an interpretation of the results must be qualified as a result of this ambiguity.
164 complaints that were judged to be allegations of criminal conduct, as per the PIK Law 2010. Of that number a total of 16 (9.7%) cases related to graft or taking bribes, and 52 (31.7%) cases related to excessive use of force. This contrasts strongly with the perceptions of the KP respondents, only 5.8% of whom were concerned about excessive use of force and, as noted, almost half were most concerned about graft.

This divergence between the perceptions of the respondents and official statistics seems even more perplexing when placed alongside the data from public opinion surveys about the KP. Surveys conducted by the United Nations Development Programme (UNDP) between March 2005 and November 2011 indicate that KP has an average public satisfaction rating of 78.1%, with a peak of 86.9% in 2005 and a low point of 70.9% in September 2009 (UNDP, 2012, p. 7). It had been argued that KP popularity is probably the result of the absence of what Punch (2000, pp. 304-51, cited by Savage, 2007, p. 16) calls ‘straightforward corruption’. In 2006 a survey found that only 6% of Kosovo citizens believed that corruption was present in the KP, compared with 18% for the courts and 23% for the Kosovo Customs Service (UNDP, 2006, p. 50). This evidence seems to contradict the stated beliefs of almost half of the respondents in the present study, who see bribery as a cause of considerable concern.

At the same time, there might be some distortion as a result of the ambiguity of the question. The respondents are indicating the types of misconduct that cause them ‘concern’ which, unfortunately can be interpreted in one of two ways. It might mean (as intended) the type of misconduct that the respondent perceives to be most prevalent among KP officers; or (as not intended) it might mean the type of misconduct that the respondent believes to be the most serious or deleterious within
the KP. This ambiguity was not identified at the planning stage, and it is acknowledged that the value of the responses is much reduced due to the uncertainty about interpretation of the question.

Equally intriguing are the beliefs of the respondents about the pattern of misconduct during recent years. Statement 3 of the questionnaire asks respondents to express their degree of agreement or otherwise with the following statement: ‘Police misconduct in Kosovo has decreased in recent years’. In overall terms 77% of respondents agreed with statement, the highest level of approval for any statement across the entire respondent group. Agreement with the statement rises to over 80% among respondents who have been investigated by the PIK and PSD. Likewise, 78.1% of respondents who had made a complaint against a KP officer and 79.3% of those who had given evidence against a KP officer believed that police misconduct had been decreasing.

It is not immediately obvious how these results should be interpreted, in light of the other patterns of belief revealed in the study. A generous interpretation would link these beliefs with those expressed in response to statements 1, 2 and 4: namely, that respondents believed that misconduct had decreased since the advent of the PIK, and as a result of the agency’s thorough and professional investigations and help in allowing KP officers to perform to high standards of integrity and honesty. However, the responses to statements 5 and 6 (in support of the PSD) would rule out such a benign conclusion and perhaps even support the alternative view: namely, that the decline might be the result of the PSD’s activities.
6.5 Semi-structured interview themes

As described in Chapter 4, a simple analytical process was employed to identify patterns in the responses provided by the interview participants. Key words and phrases were highlighted in the interview notes, and a list of those key words and phrases was compiled according to their frequency across the group of respondents. Words or phrases that appeared to be similar were grouped under the same category, and - as and when necessary - categories were modified or replaced during the subsequent stages of analysis (Denscombe, 2003. p. 272). This process resulted in the following seven statements which summarise the list of key words and phrases:

(a) 6 out of 10 of interviewees expressed a generally negative sentiment toward the idea that non-police officers should investigate police officers;

(b) 6 out of 10 of interviewees stated a belief that the delays in dealing with discipline cases is a major problem;

(c) 6 out of 10 of interviewees indicated a belief that the delays and other problems with the post-2006 discipline regime are caused by the PIK, rather than the Ministry or the Senior Police Appointments and Discipline Commission;

(d) 5 out of 10 interviewees stated a belief that the PIK investigators are poorly trained and lack investigation skills;

(e) there are mixed views among the respondents on whether KP misconduct has got better or worse since 2006: 6 were unsure, 2 thought it had got worse, and 2 thought it had improved.;

(f) there is a positive attitude toward the PIK inspection work and the value of its reports on KP performance among the respondents, but a negative attitude
toward the PIK investigation work: 8 out of 10 make positive reference to PIK reports, and 7 out of 10 make negative comments about PIK investigation work; and

(g) there is a weak understanding of the legal purpose of the PIK among the respondents, particularly in respect of its dual functions: only one interviewee made reference to the PIK Law, and the majority (9 out of 10) could only refer to the two main functions of the PIK.

It is immediately obvious that there is divergence as well as convergence of beliefs with the larger group of questionnaire respondents. Point (a) seems to accord with the majority view of the questionnaire respondents (see statement 6 of Table 6.2): the belief that only police officers should investigate other police officers is strong in both the senior officer respondents and the larger group of junior rank respondents. However, the open question approach has allowed the smaller, senior officer, group to indicate reasons for this belief. Most of the respondents pointed to undue delays in the process of resolving complaints as a cause of concern, and – most importantly – most of the respondents believed that the PIK (rather than other actors) was responsible for the delays. One officer stated: “PIK has not proved competent in investigations. There are too many unresolved cases; too many officers suspended and waiting for many months. The delays are unacceptable” (R.4). Another said: “Too many cases are delayed and there is a growing backlog” (R.7).

Many of the senior officer group indicated a belief that the PIK investigators were poorly trained and lacked sufficient investigation skills. In a response that typified

24 In order to ensure that the anonymity of the 10 respondents is protected the thesis will identify the source of a comment with the designation R.1 to R.10.
half of the group, one officer said: “PIK people are not strong enough and lack training and skills to deal with police officers” (R.4). Another said: “They need more training if they are to succeed”. This pervasive belief links back to the majority agreement with statement 6 (see Table 6.2), that PSD staff are more effective investigators.

This data adds a new and interesting dimension to the earlier evidence and suggests a need for further investigation of the performance of the complaint system and, specifically, the average time taken to resolve cases. It would also suggest a need to review the skill profile of PIK investigators, who receive substantially more training than the average KP crime investigator.\textsuperscript{25}

There is a marked divergence in terms of the senior officer group’s beliefs about the trend in misconduct. Whilst this smaller group had mixed views and a general sense of uncertainty as to whether the trend was toward an increase or decrease, 77% of the larger group of respondents in the junior ranks believed that levels of misconduct were decreasing. In response to the sixth question (What, in your view, are the most worrying discipline problems among KP officers today?) a pattern of response emerged: 6 out of 10 senior respondents referred to basic standards of behaviour and the lack of professionalism. One officer’s comment captured the dominant opinion of this group: “Lack of respect for the rules and for orders that are given. I think you call it insubordination. Unprofessional conduct or bringing discredit on the KP. We have too many people who lack professionalism” (R.7).

\textsuperscript{25} Note that PIK investigators underwent a comprehensive training programme in 2006/7 that lasted six months; whereas most KP investigators only undergo about 6 weeks of cumulative training on average (PIK, 2006f, p.7).
One might assume that a senior officer would express a belief based on knowledge of statistical data, but none of the respondents referred to complaint statistics during the interviews. Indeed the lack of factual knowledge in the smaller group was particularly obvious in regard to the legal functions of the PIK. Very few respondents could accurately describe the powers and responsibilities of the Inspectorate, as defined in law.

On a final, more positive note, a majority of the respondents expressed positive beliefs about the PIK’s inspection role (i.e. proactive function) and revealed some knowledge of PIK inspection reports and their recommendations. One officer stated: “PIK Inspection reports have some important messages - this is probably their strongest contribution” (R.3). Another mirrored the sentiment of the majority when he said: “They have made a good contribution with their inspections and reports. I think that most would agree that this is their strength” (R.4). Most of the respondents clearly differentiated their negative views about the PIK’s investigation role, and their positive views about the inspection function. For example, one officer stated: “There is a need for stronger control mechanisms and this probably means giving more power to the Professional Standards Directorate. PIK Inspection have some important messages - this is probably their strongest contribution” (R.3). Another said: “The problems with the investigations and the delay in finalizing cases have not helped. On the positive side, I think that their reports have had some impact on senior officers. The recommendations are important” (R.4).

This finding is important and may provide a useful insight into the dichotomy in the beliefs in the larger (junior rank) group of KP respondents: namely, the majority
agreement with statements 1, 2 and 4 (in favour of the PIK); and the disagreement with statement 5, linked to the agreement with statement 6 (in favour of the PSD). Once again, this evidence confirms the advice of Wells and Schafer (2007, pp. 2-3) that more detailed study is required of the views of police officers about specific oversight functions and roles, and not simply whether officers hold positive or negative beliefs about oversight agencies.

6.6 Concluding note

In this Chapter the study has described the findings of the primary research data and conducted an initial stage of the process of interpreting the information. In order to assess the results in the light of the original aims and objectives of the research further interpretation and analysis is required. In the next Chapter the study will further explore the meaning of these results, in the light of other research findings, and the relevant literature. It will seek to explore the wider implications of the results and their limitations.
Chapter Seven

Analysis and Discussion

7.1 Introduction

In this Chapter the study will seek to explain and interpret the results obtained in the earlier chapters, looking back at the relevant literature and explaining the broader implications of the results and their limitations. It will also seek to provide answers to the research questions and hypothesis concerning the relationship between external citizen oversight (ECO) and improved police conduct. Finally, the Chapter will try to provide justification for the approach undertaken to conduct the study, critically evaluate the strengths and weaknesses of the research.

7.2 Assessing PIK impact on KP performance – Secondary Data Sources

In the first stage of the case study examination, Chapter 5 established that the PIK meets the main criteria of holistic oversight, as discovered in Chapter 3. There are important parallels between the legal structure and modus operandi of the PIK and the key features of ECO preferred by advocates in the literature. In other words, there are good grounds to argue that the PIK qualifies as a case study in the search for an answer to Walker's question (2007, p.21) – i.e. whether it is possible to establish a link between an instance of ECO (or its procedures) and improved police conduct and/or performance. The PIK is fully independent of the police organization in respect of which it investigates complaints; it is exclusively comprised of civilian (i.e. non-police) staff; it has a comprehensive legal framework with clearly defined powers; it
has a budget sufficient to achieve its objectives; and it has both ‘reactive’ and ‘proactive’ functions, that correspond to the requirements of a number of advocates. Perhaps more importantly, the PIK has demonstrated an ability to implement its legal powers and exercise authority since its foundation in 2006, having successfully investigated hundreds of complaints and produced numerous inspection reports with important policy recommendations.

At the same time, it has been noted that the PIK and its police counterpart form part of an unusual (and, in Europe, unique) socio-political process: the creation of a new state *ex nihilo* by international organizations acting under the authority of the United Nations. Features of that process must inevitably separate the PIK from its sister organizations that have developed in the context of long-established democracies with many decades of experience of modern public policing. In 2012 the PIK and KP could look back on much less than a single decade of experience as fully autonomous entities, with none of the seismic incidents of failure and corruption that triggered police reform efforts and the introduction of ECO oversight in other countries. Although the exact implications for the present research study will be difficult to quantify, there can be little doubt that certain *sui generis* aspects of the PIK are relevant to the question of its potential (if not actual) impact on the KP.

The KP stands quite apart from many of the ‘hard cases’ discussed by oversight scholars as the precipitators of public enquiries, and the bases for much of the argument in favour of ECO (Prenzler, 2002a, pp. 3-13; Walker, 2001, pp. 19-39; Lewis, 1999, pp. 19-30). Kosovo’s fledgling police organization has enjoyed unparalleled public support and satisfaction levels since its creation in 1999, as well
as being perceived by Kosovo citizens as one of the least corrupt public entities in the country. The evidence also suggests relatively low levels of recorded complaints by ordinary citizens against police officers. Although the data suggests that the number of serious or criminal allegations received by PIK rose after 2008 (when KP became autonomous of UNMIK), about half of those complaints were entered by other police officers, rather than ordinary citizens. In this way, therefore, the KP represents a more challenging case study in the pursuit of an answer to Walker’s question than a recognised ‘hard case’: the combination of high public satisfaction with police performance, low levels of perception of corruption, and low levels of recorded complaints, generate an overall picture of an organization that performs at a satisfactory level. Measuring the positive impact of the PIK – relative to the police-centred system it replaced – presents a greater challenge than such well-documented corrupt organizations as the New York Police in the 1970s and New South Wales Police in the 1990s (Prenzler, 2009a, 3-7). The task of isolating and measuring indicators of PIK success are made yet more problematic because of its position in the changing landscape of Kosovo police governance.

In terms of police governance, the PIK emerged as part of a model that is very different from that of England and Wales, or jurisdictions within the United States, or areas of Australia. Two main points are noteworthy in terms of its potential impact on the police: the PIK’s relationship with the parent Ministry, and the growing pre-eminence of the central dynamic in Kosovo. The PIK forms part of the Ministry of Internal Affairs - the government administration - and therefore diverges sharply from the model preferred by some oversight advocates. The issue is important, since there appears to be evidence in Kosovo to support the argument of the scholars against
placing an oversight agency under the authority of the government administration: namely, that such an arrangement might facilitate a particular political agenda vis-à-vis the police and thereby diminish the impact of the oversight body. There is evidence that the KP is becoming subject to increasing political interference, in operational decisions and staff appointments (European Commission, 2011, pp. 16, 57).

Figure 7.1 – Interaction of Police Governance Dynamics in Kosovo

As noted above, Kosovo saw the elimination of the local dynamic in 2008, with the advent of the first Police Law ratified by the Assembly, after UNMIK’s transfer of authority. The resultant bi-polar arrangement, depicted in Figure 7.1, suggests an increasingly dominant central dynamic and diminishing independence dynamic. This change marked a shift away from the tripartite model introduced by UNMIK in 2005, and a clear move back toward the model that was familiar in the days of Yugoslavia and remained the dominant model in neighbouring states (F.Y.R.
Macedonia, Republic of Serbia, Republic and Montenegro, and – prior to 2010 - the Republic of Albania). Most troubling in this shift are the increasing signs of control over the KP by the ruling political party since 2008 - Partia Demokratike e Kosovës [PDK] (Democratic Party of Kosovo). After becoming autonomous from UNMIK in December 2008, the KP had three Director Generals in three years, one of whom was apparently ‘sacked’ in a manner contrary to the Law on Police (Balkan Insight, 2011).

This overt exercise of political power over the police has clear and unwanted ramifications for democratic policing in Kosovo. With the removal of the local dynamic and cowing of the senior police staff (independence dynamic), the fear is that the KP – like some neighbouring police organizations - will become the tool of a ruling political party. This would certainly impact upon the performance of the police in Kosovo, as senior officers act out of deference to their political masters rather than in response to local community concerns. This susceptibility to overt political interference is perhaps increased further, given the weaknesses in the performance of KP senior managers that have been noted by Scheye, (2008, p. 182), EULEX (2009, pp. 12-14) and extensively by the PIK\textsuperscript{26}.

These observations regarding police governance are important as the study moves to an interpretation of the next stage of the case study – the primary data of police perceptions. Given the evidence that the KP – in general terms – represents a ‘soft case’ (low public perceptions of corruption, high public satisfaction, relatively

\textsuperscript{26} For example, communication skills (PIK, 2006a, Para. 2.4, 2.8; PIK, 2006d, Para. 2.10; PIK, 2006e, Para. 2.5; PIK, 2007g, Para. 4.6; PIK, 2007h, Para. 2.6, 3.6; PIK, 2007a, Para. 2.15; PIK, 2007c, Para. 2.23; PIK, 2007d, Para 2.4, 4.6), planning (PIK, 2006b, Para. 4.1; PIK, 2006c, Para. 2.12; PIK, 2007b, Para. 2.9; PIK, 2007c, Para. 2.25; PIK, 2007e, Para. 2.20) are often noted as factors in poor management performance.
low levels of complaint) and the corresponding difficulty in measuring PIK impact, the overall aim of the study can only be challenged further by the possible KP perceptions of the PIK’s role in Kosovo’s changing governance model. Whilst the PIK is unquestionably independent of the police, it is part of the Ministry of Internal Affairs and, therefore, part of the government administration. KP perceptions of the PIK must inevitably be coloured by the reality of the growing power of the central dynamic, and the very real possibility that the PIK forms a part of the ruling political party’s means of control.

7.3 Assessing PIK impact on KP performance – Primary Data Sources

In Chapter 6 the study presented the findings of the primary data research in the PIK case study. The results of the survey of police perceptions would seem to have important significance in the quest for a satisfactory response to Walker’s question – i.e. discovering whether external citizen oversight agencies or their procedures are associated with lower levels of officer misconduct (2007, p.21). As noted by de Guzman (2004, p. 167), only a limited number of systematic evaluations have been conducted. It is important, therefore, that the results described in Chapter 6 are properly interpreted as either providing support to the proposition that such an agency (or its procedures) is in some manner associated with reduced misconduct, or not. What might be a correct interpretation is not immediately obvious in the PIK case study.

On the face of it, the research seems to reveal a strange dichotomy in the beliefs of a majority of the respondents. On the one hand, the respondents hold a cluster of positive beliefs about the PIK and its influence on the KP: namely, that the
PIK helps KP officers to respect the rights of citizens; that the PIK helps the KP to perform to high standards of integrity and honesty; and that PIK officers conduct thorough and professional investigations. On the other hand, a majority of the same respondents hold beliefs that appear to contradict what would seem a logical consequence of the first group of beliefs. If a majority believe that the PIK has those positive attributes listed in statements 1, 2 and 3, surely they must also accept that complaints against KP staff should be dealt with by an external/independent agency? Surely they must refute the suggestion that Professional Standards Directorate (PSD) staff are more effective investigators of complaints than the PIK? Whilst it might seem at first a neat and convincing syllogism, the assumption that a positive belief about the PIK must necessarily exclude a positive belief about the PSD is clearly flawed.

It is possible to hold positive beliefs about both the PIK and the PSD at the same time, and without contradiction. In the period between the launch of the PIK in 2006 and 2012 the KP became familiar with a system whereby the investigation of complaints was shared by both PSD and PIK. Although their exact roles changed in 2010, KP officers – particularly those in the four categories with experience of the complaint system – would have formed beliefs about both agencies. Under the original 2005/06 UNMIK legislation the PIK had authority to investigate all allegations of serious discipline offences, whilst the PSD investigated minor discipline offences and KP crime investigators assisted the public prosecutor with allegations of criminal conduct. With the advent of Law No. 03/L-231 in 2010 the PIK was given

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27 i.e (1) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate; (2) Police Inspectorate helps KP officers perform to high standards of integrity and honesty; (3) Police misconduct in Kosovo has decreased in recent years.
authority to investigate all allegations of crime and PSD dealt with all other complaints, in a manner similar to the Independent Police Complaints Commission (IPCC). It is possible that a majority of KP respondents might agree with statement 4 (PIK officers conduct thorough and professional investigations) and also believe that statements 6 is true (PSD staff are more effective) and that statement 5 (complaints should be dealt with by an external/independent agency) is not true. In effect, the majority of respondents are saying that the PIK staff are good, but not as good as the PSD staff.

Such an interpretation would not necessarily negate Walker’s proposition. Firstly, in spite of the respondents’ overall preference for the PSD, there is evidence that a majority recognise the capability and good performance of the PIK. This recognition has resulted after less than six years of PIK investigations, interrupted in 2010 as the agency underwent changes under the new legislation. As with many other police organizations, KP respondents operate within a culture that prefers a police-centric system of investigating complaints. The responses of a majority of KP respondents in the present study reveal unequivocal evidence of an acceptance that an external/independent agency can investigate complaints in a professional and thorough manner. Given the short period of PIK activity, the evidence suggests that the PIK has gone some way toward winning the support of a significant proportion of the group of respondents and has created a strong foothold in a formerly police-controlled domain. Moreover, it might be reasonably surmised that this view is held by a much wider group of KP officers.
As revealed in the smaller semi-structured interview group (see paragraph 6.5(f)), there is a distinct possibility that the agreement of the majority of respondents with statements 1 and 2\textsuperscript{28} in the questionnaire group is based not only on an experience of PIK investigators (reactive function) but also the inspectors (proactive function). This highlights a weakness in the formulation of the statements in the self-complete questionnaire, which fail to explore the possibility of distinct and separate beliefs about the two PIK functions. As pointed out by Wells and Schafer (2007, pp. 2-3), research into police perceptions of ECO agencies should seek to identify beliefs about the different roles and functions of the agency. Such data would move the debate beyond general perceptions of success or failure in the oversight agency, to more discriminating information about which functions and activities are effective or ineffective.

How do the research results compare with other findings in the literature? Although ECO agencies have been operating for a number of decades there has been scant research into the impact that external citizen oversight has had on attitudes and beliefs of police officers (De Angelis & Kupchik, 2007, p. 652). This deficit has particular relevance, given the poor understanding of its costs and benefits, and the opposition it attracts (Walker, 2001, p. 14-15; Finn, 2001, pp. 111-115; Terrill, 1991, p. 314-315). The available research data about police perceptions of external citizen oversight provides mixed and mainly negative messages. Some of the earliest research in the literature is published by D.W. Perez and provides gloomy reading for external oversight. Referring to research conducted as part of a doctoral dissertation in 1978, he concluded that “hundreds of hours of observation and hundreds of interviews seem

\textsuperscript{28} (1) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate; (2) Police Inspectorate helps KP officers perform to high standards of integrity and honesty.
to confirm that civilian review has a less immediate impact on police officers than does internal review” (Perez, 1994, p. 159). Likewise a US study of 900 police officers in 2000 found that over 62% of respondents did not believe that these agencies were effective in preventing police misconduct (Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000, p. 7). This opposition is confirmed by the Sviridoff and McElroy study of attitudes among New York Police Department officers, most of whom viewed the external oversight agency as unfair and biased against the police (1989, p. 16).

However, de Guzman’s study in the Philippines in 2004 found that an overwhelming majority of the 700+ respondents expressed beliefs about the positive impact of external oversight, and, most surprisingly, most of those who had been investigated held such beliefs (2004, pp. 175-177). For example, over 86% of the respondents who had been investigated (those “with cases”) agreed that the potential of being prosecuted [by the oversight agency] makes officers more careful when dealing with citizens (de Guzman, 2004, p. 177). A more limited study by Wells and Schafer in 2007 found that 78% of police respondents were opposed to their local oversight agency (2007, p. 11). Indeed the same study found that the overwhelming majority of respondents were totally opposed to all oversight functions that related to complaint resolution (reactive functions) and only 16% were in favour of those functions related to the review of police policy and related recommendations (proactive functions) (Wells & Schafer, 2007, p. 13).

However, another American study of the same year introduced a new dimension into the debate. The research looked at levels of police satisfaction with
various aspects of the procedures related to complaint resolution, and the findings indicated that respondents were concerned about fairness regardless of whether the system was driven by other police officers or non-police (De Angelis & Kupchik, 2007, p. 667). This result implied that, if its procedures are seen to be fair the police respondents would accept external oversight as a legitimate means of resolving complaints. Herein lies a potential key to the interpretation of the apparent discord in the beliefs of the majority of KP respondents, and a way forward in exploring police beliefs about the complaints process and its impact on conduct. Rather than ask officers to agree or disagree with statements that attribute positive (or negative) qualities to internal and external oversight mechanisms, De Angelis & Kupchik asked respondents to rate their satisfaction with various processes of the complaints system.

This led to a shift in emphasis: away from theoretical preconceptions and toward what officers had actually experienced; and away from the polarized debate about two alternative systems, and toward an appraisal of the fairness and objectivity of how officers are dealt with. Is it possible that the KP responses reflect an underlying satisfaction with the way both PSD and PIK staff dealt with complaints, but greater satisfaction with PSD? Only further research – inspired by the De Angelis & Kupchik method – could find an answer, and provide important insights into the actual and potential impact of Kosovo’s oversight system on KP conduct and standards. It would require more than a change of method. It would require a reappraisal of the structure of Walker’s proposition, widening the scope to include any processes (regardless of the agent responsible) that are associated with reduced misconduct.
7.4 ECO’s role in police governance

The present research suggests that the governance context of ECO is largely a lacuna or gap in the literature; moreover, this gap seems to weaken the argument of the ECO advocates, pointing to the need for further comparative studies.

There is an apparently unresolved conceptual dilemma at the very heart of police governance in the literature that ensnares the conceptual basis of ECO: how can a police organization be governed in a way that ensures that it remains an effective guarantor of democracy? As captured in Loader’s prosaic statement, the dilemma is one of finding a way in which police organizations ought to be “rendered responsive to democratic audiences” (Loader, 2000, p. 324). That dilemma lurks largely unexplored in the ECO literature. The present study has revealed various dynamic shifts in the on-going effort to define a successful formula in the interplay of three major dynamics: central, local and (police) independence. In a seemingly unresolved dialectical process, the constitutional position of the police is shaped by a long-term struggle between the competing principles of political independence versus electoral accountability, and central versus local dynamics (Waddington, 1999a, p. 187).

Whilst much of the explored literature refers to England and Wales, and other parts of the English-speaking world, the PIK case study reinforces the sense of dilemma and cautions against a pursuit of a universally applicable solution. Each part of the world is likely to reveal its own unique political stage for police governance. The literature suggests that in some jurisdictions the shifting of dynamics tends to be bipolar: greater (or lesser) police autonomy at the expense of either central or local control. In England and Wales the tripartite formula has tended to create a more
complex dialectic of the three competing dynamics (Savage, Charman, & Cope, 2000, p. 46) in which “all levels of policing were ‘controlled’ and accountable” (John, Lewis, Read, & Rogers, 2011, p. 88). In Kosovo the first ten years of the KP has seen a dramatic move from a similar tripartite arrangement, toward a bi-polar system in which the central dynamic has eliminated the local dynamic and is diminishing the independence dynamic. The PIK, wittingly or otherwise, forms part of that dynamic shift since it is part of the Ministry of Internal Affairs.

Evidence suggests that too much of the police governance debate in the literature has centred on attempts to diminish the police independence dynamic per se, rather than construct a positive model of democratic governance. The argument in favour of greater political control has been built on too much emphasis on identifying how the police have failed, rather than on how the local dynamic has succeeded (Waddington, 1999a, p. 197). To argue that the subordination of police to elected representatives is the only democratic solution would be to exclude much of the liberal democratic world (Waddington, 1999a, p.191). The Kosovo case study suggests that the increased control by the central dynamic, at the expense of the independence and local dynamics is far from satisfactory in terms of democratic governance. A vital component of the independence dynamic is the capacity to effect changes within the police organization (Savage, 2007, p. 128-9), and there is evidence that this can be endangered by disenfranchising senior officers and excluding discretion in decision-making. Where that capacity is removed the basis for holistic ECO is effectively undermined: the ability of a police organization such as the KP to act upon policy recommendations would be reduced or handicapped.
However, talk of community empowerment implies a broad base of citizens who seek to be involved in decisions about policing and some research questions whether this is a realistic assumption on which to build a new approach to governance, given the failure of community consultative groups (Bowling, Parmar, & Phillips, 2008 p. 628).

The research suggests a role for ECO (in some contexts) as an adjunct of the central government dynamic and/or the local government dynamic. Democratic accountability and governance require information (Jones, 2008, p. 696; Jones, Newburn & Smith, 1996, p. 195) and this must reflect the complexity of police organization and its objectives. Moreover, the type of information offered must go beyond the important role of the media in highlighting moments of failure, incompetence and misconduct, and provide detailed data about routine, daily and local performance. Without such detailed, objective and accurate data it is difficult to imagine how governance – as informed policy-making and strategic direction – can be carried out by local and/or central government. A possible factor in the apparent failure of the local dynamic is its traditional lack of technical capacity in monitoring police performance and providing more sophisticated feedback (Weatheritt, 1993, pp.28-9). Modern police organizations in the liberal democracies of the world are both sophisticated and complex, dealing with the equally complex and sophisticated crime and public disorder events of contemporary society. Governance of such organizations must de facto include a sufficient degree of technical capability and expertise.

Whether located in the complex, multi-ethnic and multi-cultural urban societies of the liberal democracies or in the virtually mono-ethnic and traditional
societies of the Balkans, the efficacy of ECO is surely contingent upon its governance context. There can be no generic model. Unless it fits within or compliments the extant governance architecture, it cannot hope to exercise authority in a way that is likely to positively influence police conduct and performance. Although not guaranteed, ECO holds out the prospect of ameliorating the democratic deficit in police governance in some contexts and this is perhaps a question that warrants further research.

7.5 Limitations of ‘holistic’ External Citizen Oversight’

The central claim of advocates of holistic ECO should not be underestimated: what is proposed is the ability to change the behaviour of all or large parts of a police organization. Research suggests that the bold and ambitious aims of holistic oversight are not easily achieved, even with the weight of the legislature and executive behind them. There is sobering evidence of a series of efforts to reform police behaviour in the UK in areas that are directly relevant to the ECO cause. The post-Lawrence Inquiry reforms; the effort to eradicate racist attitudes; the introduction of ethical interviewing techniques; and the equal opportunity reforms were all found to have disappointingly modest results, in terms of changing behaviours.

There are grounds to question whether revised policies or legislation or training can automatically bring about a desired transformation of police behaviour (Newton Cain, 2002, pp. 147, 149). If holistic oversight is to succeed it must surely demonstrate an appropriate level of technical expertise - regardless of whether it adopts a restricted (i.e. purely linked to complaints data) or unrestricted ‘policy review’ approach – and it must accept that changing behaviour is a long-term
enterprise rather than a matter of ‘quick fix’ solutions. There must be a corresponding capacity to effect changes among police managers: a point that is rarely, if ever, acknowledged by advocates. The policy review and recommendation approach implies recognition of the importance of the police independence dynamic: recommendations must be acted upon and this demands autonomy and responsibility, and implies a technical capacity to interpret and implement recommendations, and evaluate the results. If police reform is to work, the policy advice of the oversight agency must be reciprocated by a sufficient internal police capacity, in terms of leadership and change management (Hutchinson, 2010, p. 239).

At the same time there must be a review of the ECO advocates’ argument that individual cases of misconduct have a causal relationship with organizational culture and structures. Although this may be the case in some instances there is a danger that an unwarranted preoccupation with the ‘rotten organization’ approach results in a disregard of growing evidence of effective ways of dealing with the ‘rotten apples’. For example, research suggests that only a small proportion of complaints against police allege criminal conduct or corruption and the majority of complaints are such as could be resolved informally (Ede & Barnes, 2002, p. 116; Harrison & Cunneen, 2000, p. 9). Other evidence points to the way that “mediation” can effectively resolve many of these complaints, to the satisfaction of the complainant and the officer involved (Walker, Archbold & Herbst, 2002, pp. 6 – 11; Ede & Barnes, 2002, p. 118).

Research conducted in Norway suggests that most complaints relate to individual deviance (“rotten apples”) rather than systems failures (Gottschalk, Dean, & Glomseth, 2012, p. 20), reinforcing the need for a system that tracks persistent
misconduct by individual officers. One study indicates that complaints can be significantly reduced by detecting patterns of complaints and, where appropriate, intervening in individual cases of errant officers (Macintyre, Prenzler & Chapman, 2008, p. 244). None of these initiatives necessitate the intervention of an independent agency that has more than a reactive function. Whilst not voiding the argument in favour of independence of investigations into police misconduct, these initiatives do place emphasis on encouraging police organizations to reform from within and develop the capacity to change.

What of the more serious instances of misconduct and performance failure? In spite of Prenzler and Faulkner’s (2010, p. 255) claim that external oversight agencies have a key role in exposing and investigating such matters, the evidence suggests that it is the media in liberal democracies that more often ‘guards the guards’. It is arguable that media interest and aggressive journalism created a dynamic force as a watchdog in a number of important cases (Jones, 2008, p. 695): the MPs expenses investigation (Brook, 2009; Newell, 2010); the shambolic investigation of the Dutroux Affair (Punch, 2003, pp.174-180); and the “professional incompetence” of the Stephen Lawrence case (Newburn, 2008a, p. 97). Accountability necessitates access to accurate information (Neild, 2000, p. 235; Oliver, 1997, p. 187; Simey, 1988, p. 74; Cail, 2006, p. 73) and in liberal democracies the media is often more effective than official agencies as guardians of public interest in public sector probity (Newell, 2010; den Boer & Fernhout, 2008, p. 5). It is arguable that in some societies there is a broader, pre-existing web of police accountability.
ECO that goes beyond a purely ‘reactive’ function has not been confirmed as a solution that can meet the expectations of the public and the police in all jurisdictions. Only the police can restore public confidence where it is lost; only the police can change their culture and organization; and only the police can perform to a standard that satisfies expectations. An external agency can only hope to play a facilitative role where it has the appropriate level of technical capability and where it is supported by sufficient political will, and the engagement of the police staff through consultation (Bayley, 2008, p. 13). Finding the right formula for facilitating police reform will – in each case – require careful planning and research, to ensure that specific needs are met and constraints are recognised.
Chapter Eight

Conclusion

8.1 Introduction

In the final Chapter the study will seek to reach overall judgements about the aims and objectives of the research, summarizing the findings of each Chapter and identifying the significance and weight of the findings and main arguments about ECO efficacy. It will also look at the scope and limits of the central argument, the strengths and weaknesses of the chosen method, and suggestions as to the direction of future research on the efficacy of ECO. Finally, the Chapter will talk about the contribution to the ECO literature and how the research findings have extended the field of ECO knowledge.

8.2 Main findings of the research

The overall aim of the study has been to address the question of whether external citizen oversight (ECO) agencies or their procedures are associated with lower levels of police misconduct. To what extent has the research found an answer to this question? In other words, to what extent has the research established that there is a causal relationship between the activities of an ECO agency and instances of improved police performance and/or lower levels of police misconduct? The overall aim was divided into four separate yet interconnected objectives that deal with specific aspects of the research. In order to reach a judgement concerning the achievement of the overall aim, each objective will be reviewed.
The first objective sought to critically explore the broader landscape of police governance in the literature, and the competing dynamics of accountability within the debate. This would help establish the governance context of ECO as a mechanism of police reform. In Chapter 2 it was suggested that the governance debate is best characterized as a dialectical interaction of certain governance forces or dynamics: i.e. (a) local government dynamic; (b) central government dynamic; and (c) police independence dynamic. In some contexts all three interact, and in other contexts only (a) and (c) operate. In all contexts the interaction can be characterized by a linear movement, either toward a greater ‘subordinate and obedient’ approach (diminishing the independence dynamic) or alternatively toward a greater ‘explanatory and cooperative’ approach. It is argued that this conceptual framework helps to analyse not only the various arguments as to how and to what the police should be held to account, but also the guiding principles that drive those arguments.

Two important conclusions are relevant to the research objective. The question of how to render police organizations more responsive to democratic audiences appears to be unresolved and, in certain English-speaking contexts, made more problematic by the complexities of multi-ethnic and diverse urban populations. Secondly, much of the debate in the literature appears to focus on an effort to diminish the independence dynamic per se, rather than construct a positive model of democratic governance. This preoccupation is built on an apparent emphasis on identifying how the police have failed, rather than on how the local dynamic has succeeded. Moreover, following the examples of the Audit Commission and HMIC, it is arguable that ECO might play an important part of a positive model of police
governance. It could empower the local dynamic by providing the data and related analysis on which local representatives could make informed decisions.

Linking back to the overall aim, it might be concluded that an ECO model that purports to effect change within a police organization must either extend or complement one or more governance dynamics. Moreover, change can only be achieved via a ‘subordinate and obedient’ approach that reduces the independence dynamic, or, alternatively, via a greater an ‘explanatory and cooperative’ approach. Later evidence in the study suggested that the latter approach might be more productive in liberal democratic contexts, since an internal capacity and will to change are likely to be necessary preconditions.

Having established its governance context, the second objective moved the focus to the nature of ECO itself by critically evaluating the theories in the literature that argue that it is a means of improving policing standards and reducing misconduct. It was concerned with discovering what ECO advocates suggest as the structure and method required to effect police reform. In Chapter 3 the study found an evolution of thought about ECO in the literature, from a model that acquires increasing powers to investigate complaints against police, to a more expansive and proactive approach to tackling the root causes of individual and group misconduct. Key ECO advocates are found to struggle with the concrete implications of combining the former (reactive) approach with the latter (proactive) approach in a holistic model of ECO. The conviction that misconduct is linked to organizational factors and that that causal relationship can be addressed by policy change is found to be driven by reflections on certain ‘hard case’ studies or ‘system failures’ (i.e. New York Police Department,
Queensland Police), rather than data drawn from research studies of the causes of misconduct per se. Uncertainty is found to increase in the literature as the debate evolves toward the exact mechanisms of policy recommendations and their translation into changes in police organization and culture.

Linking back to the earlier governance analysis, the study found two competing views in the literature regarding the preferred locus of ECO. Some gravitated toward the local dynamic, seeing holistic oversight as an extension of local governance that empowered it with informed analysis and policy recommendations. Whereas others – possibly a majority – preferred ECO to be fully independent of the administration (local and central), and answerable only to parliament. What remains seemingly unclear in both propositions are the exact mechanics of ECO recommendations: i.e. whether they operate with a ‘subordinate and obedient’ approach or alternatively an ‘explanatory and cooperative’ approach. Other, closely related and practical issues, appear to be only thinly explored – not least the necessity of sufficient competence and political will within the host police organization to translate the suggested policy changes into action.

Two major conclusions are relevant to the overall aim. Firstly, the holistic ECO edifice is built upon the inadequately researched assumption that many or most instances of individual misconduct are somehow causally linked to organizational factors (rotten organizations rather than rotten apples). This assumption must surely be subjected to more rigorous research. Secondly, there is a consequent hesitation and imprecision about the best method of influencing or changing those organizational factors that are thought to cause or facilitate or encourage individual misconduct.
The third and fourth objectives are concerned with a detailed exploration of the Police Inspectorate Kosovo (PIK) case study. The former objective sought to compare the PIK legal and political framework with the theoretical principles that are advocated in the literature, and examine the available secondary evidence to support a link between the PIK and reduced levels of misconduct and/or improved performance among Kosovo Police employees. Chapter 4 identified the available secondary (documentary) data concerning the structure and method of the PIK. It examined the links between this particular instance of ECO and changes in KP conduct, providing a more in-depth understanding of a particular case, and adding to the corpus of knowledge regarding ECO and the factors that influence its efficacy. The study found a good degree of correspondence between those features of holistic ECO that are preferred by scholars in the literature and the legal framework, organization, staffing and modus operandi of the PIK. It is all-civilian, fully independent of the police, and has both the power to investigate complaints against police officers of all ranks (reactive function), and the authority to inspect police performance in specific areas and bring forward policy recommendations (proactive function). PIK qualifies, therefore, as a valid instance of holistic ECO.

In terms of its overall aim, the research could not find fully conclusive links between PIK activities (reactive and/or proactive) and improved conduct among Kosovo Police (KP) officers. It was found that the PIK has investigated several hundred complaints since its inception in 2006, resulting in punitive decisions being brought in many cases. It has also conducted many inspections of KP performance and brought forward evidence-based policy recommendations. Establishing causal
links between ECO activities and police reform in this specific case was found to be particularly problematic. Firstly, the KP, unlike the ‘hard cases’ catalogued by ECO scholars, represents a ‘soft case’: it enjoys very high levels of public approval, low volumes of public perceptions of corruption, relatively low volumes of complaints of serious misconduct and corruption, and high volumes of complaints made by police against police. The majority of complaints are concerned with basic discipline and professional conduct. Quantifying change in such a ‘soft case’ is clearly more difficult.

Secondly, PIK recommendations lack ‘teeth’ and form part of an ‘explanatory and cooperative’ approach: this has allowed senior police officers to largely ignore PIK policy recommendations in the first few years of operations. Yet the study found that the police governance dynamic of Kosovo appears to be shifting in the opposite direction, toward a ‘subordinate and obedient’ approach. Since 2008 the local dynamic has been effectively removed, allowing the central dynamic to exercise increasing control over the police independence dynamic but seemingly not through PIK recommendations. All this tends to frustrate efforts to detect any positive impact on police conduct as a result of PIK activity.

Two conclusions *inter alia* are relevant to the overall aim. The case study points to the inadequacy of the proposed policy recommendation (linked to an ‘explanatory and cooperative’ approach) strategy of changing those organizational matters that link to misconduct. In the absence of a legal requirement to act upon an ECO recommendation, senior police officers may – as in the case of the KP – simply ignore the suggested policy change. Secondly, a decision to implement ECO must
take cognizance of the available evidence regarding police misconduct and performance failures. If the police organization represents a ‘soft case’ the needs of democratic governance and accountability might be better (and more cost-effectively) met by alternatives to ECO. Lastly, if – as in the case of Kosovo – the local governance dynamic is missing, ECO is exposed to the danger of being captured by a central governance dynamic that seeks political control of policing. This reinforces the earlier conclusion that the efficacy of ECO as a mechanism of accountability is, in large measure, contingent upon its governance context.

The fourth objective further extends the PIK case study, exploring a rich source of primary data. Following the lead of other researchers in this field, the objective seeks to examine the largely unknown patterns of beliefs, attitudes and perceptions about ECO among Kosovo Police officers, and evaluate the implications for improved police performance and reduced misconduct. In Chapter 6 the main part of the primary research – the questionnaire survey – yielded results that seem to support a link between PIK activities and changes in KP conduct. The results appear to confirm the findings of other researchers that evidence of ECO efficacy can be found in the beliefs and perceptions of those police officers who have had direct contact with such agencies and their procedures. There is a need for caution however. Whilst many of the survey group expressed positive views about the role and efficacy of the PIK, a large proportion also expressed positive views about the Professional Standards Directorate’s (PSD) role and many indicated a preference for investigations of complaints by other police. Although qualified in this way, the research nevertheless provides evidence of an acceptance of ECO by many officers and recognition of its positive impact.
Whilst based upon data from a much smaller target group, the interview findings revealed important qualitative information that provided further insight into the main (questionnaire) survey results. Most senior officer respondents expressed generally negative views about ECO and the idea of employing non-police investigators in a police complaints system. Interestingly, however, many of these interview respondents differentiated between the two PIK functions, expressing more positive views about its proactive (policy recommendation) role. It is possible that this distinction might explain the apparent contradiction in the findings of the main survey group: in other words, most officers hold positive views about the PIK proactive function, but less positive views about the reactive function. The questionnaire did not allow respondents to indicate such a distinction.

Two main conclusions are noteworthy, with respect to the overall aim of the study. Firstly, police perceptions are confirmed to be a useful source of information about the actual impact of ECO on police conduct. This conclusion moves the debate about ECO efficacy beyond the apparent impasse of an argument based only on secondary, quantitative data. Secondly, and most importantly, the study has identified some evidence that suggests that ECO can have a positive impact on police conduct and performance. Although the data reveals mixed views and an abiding preference for police-centric systems of investigating complaints, there is nonetheless a significant core belief that ECO has a beneficial role.

On reflection, it is suggested that the present thesis has made several important contributions to the corpus of knowledge about ECO and its relationship to police
reform matters. Firstly, the present research has made an important contribution to the growing body of data and related analysis in the international literature on ECO. It has added to the limited volume of case study material about specific instances of ECO, their legal structure, organization and modus operandi. Secondly and uniquely, the research has provided the literature with data and related analysis about the nature and scope of ECO in Kosovo. Although research has been conducted into various aspects of policing in Kosovo in the post-1999 era, there has not been any research conducted into police oversight in Kosovo prior to the present thesis.

Thirdly, the research has extended the limited body of primary research data and analysis concerning police perceptions of ECO and its efficacy in changing police behaviour. As discussed earlier, this area of research holds out significant potential as a method of breaching the apparent empirical impasse of demonstrating via less ambiguous data a link between ECO and changes in police behaviour. The study has contributed new insights into the relationship between ECO and the broader police governance debate, which has tended to focus on the dialectic of two or three dynamics – central governance and/or local governance and police independence. If effective, ECO might trigger a new approach to resolving the perennial democratic deficit in many contexts.

8.3 Signposts for future research

There are certain signposts that emerge from the study and that point toward emergent and relevant issues. One of the important contributions of this study is the primary data about police perceptions: it has added a new source to the limited number of systematic evaluations of police perceptions of ECO, such as that of de Guzman
The study appears to have reinforced the case for research into police perceptions of ECO, and, at the same time, indicates the need to shift the emphasis in such research away from a polarized debate of either ECO or police-centric systems and toward an emphasis on process and fairness.

An identified weakness in the questionnaire design was its failure to differentiate beliefs and perceptions about the two PIK functions – the reactive and the proactive functions. There is an obvious possibility that the agreement of the majority of respondents with statements 1 and 2 in the questionnaire group is based not only on an experience of PIK investigators (reactive function) but also the inspectors (proactive function). As Wells and Schafer (2007, pp. 2-3) point out, research into police perceptions of ECO agencies should seek to identify beliefs about the different roles and functions of the agency. These scholars argue for a need to move beyond general beliefs about the success or failure of the oversight agency, to more discriminating information about which functions and activities are effective or ineffective.

Comparative research could further explore other examples of ECO, with specific emphasis on their location within the overall governance structures. For example, although the PIK’s link to the parent Ministry is at odds with EPAC principles (EPAC, 2011, p. 6) and the preference of important advocates (Lewis, 2000, p. 35; Bayley, 2006, p. 52; Sossin, 2003, p. 4), it nevertheless provides the means whereby the Ministry can exercise active oversight of the police. It might be

29 Statement 1: ‘Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate’; statement 2: ‘Police Inspectorate helps KP officers perform to high standards of integrity and honesty’.
argued that without this vital mechanism to ensure police accountability the current ascendency of the central dynamic in Kosovo would be increased. In other words, a Ministry that lacked real authority to intervene in cases of corporate failure or group misconduct would be more inclined to return to the Yugoslav model, wherein the police and the parent Ministry form a single political reality. A comparative study of such diverse examples as the KP on one hand and large urban police organizations on the other, would inform a broader analysis of the range of possible solutions to the governance of police dilemma and the place of ECO.

Such comparative research might throw much needed light on the question of the adequacy of an unqualified use of public confidence as an indicator of satisfactory governance. It is argued that, where public confidence is lost, it can only be restored if the police are answerable for their acts, and act responsively to the concerns of the public at large - two important elements of police accountability (Maguire, 1991, pp.178-9). Some research has established a link between public trust in the police and police effectiveness and the perceived legitimacy of police actions (Sunshine and Tyler, 2003, p. 522). If the public view the police as legitimate (or trustworthy) then public co-operation with the police is more likely, thereby enhancing police effectiveness. Whilst complex and not fully understood, formal accountability mechanisms are said to have an effect of building or preserving public confidence (Goldsmith, 1991, p. 24; Reiner, 1991, p.221). However, in both the literature and the PIK case study there is evidence to suggest that over reliance on public confidence as a measure is problematic. The dilemma is about how to interpret public confidence as the key criterion in a debate in which ‘the public’ is becoming an increasingly

8.4 Final reflections

This research work has allowed me to continue a process of transformative learning through critical reflection, reflective discourse, and action (Mezirow, 2000, p. 24). My work with EULEX – EU Mission to Kosovo (2008 – 2012) and role as ICITAP\textsuperscript{30} advisor on accountability to the Albanian State Police (2013), has sustained and further stimulated my interest in academic study, as well as reinforced my conviction that I am operating as what some experts would describe as a ‘knowledge worker’ in the effort to move police reform abroad toward a new work order (Lee, Green, & Brennan, 2000, al, p. 117). Both EU missions and ICITAP programmes are placing greater emphasis on learning from experience rather than simply repeating failed strategies in security sector reform (Witney, 2008, p. 49 – 50). This places me on the edge of an exciting period of development through transformative learning in police development and reform in post-conflict and post-communist societies.

Although mainstream policing in the English-speaking world has forged increasingly fruitful links to university research as a means of developing professional knowledge and competence, the same is not true for what Bayley calls “changing the police abroad to promote democracy” (2001, p. 75). For some experts, this tension between university and profession-oriented perspectives on knowledge represents the major theme of professional knowledge and competence (Eraut, 2003, p.8). Some writers claim that mainstream policing (in the UK) means that officers have become

\textsuperscript{30} International Criminal Investigative Training Assistance Program, US Government
“knowledge brokers” and “expert advisers” (Ericson, 1994, p.152). Developing policing abroad has so far fallen into that category of professions that have seen little investment in specialist courses (Eraut, 2003, p. 10). The world of policing in international development remains impoverished by the piecemeal and fragmentary approach adopted, preventing the formation of a cohesive and structured corpus of expertise and knowledge. The large international organizations that have been involved in this field, by their own admission, have been slow to set in place mechanisms whereby they learn from experience - whether at the corporate or group or individual level (Bayley, 2001, pp. 6, 44).

As observed by experts in policing and police reform, there has been a remarkable dearth of literature that reflects upon the experience of reforming (and forming) police organizations in post-conflict societies (Deflem, 2002, p. 9; Bayley, 2001, pp. 5-6). Moreover, the holistic approach to ECO of police and its link to reduced police misconduct and police reform – my specific area of interest - is an area that the experts readily acknowledge to be in great need of further research (Luna & Walker, 2000, p. 90; Brereton, 2000, p. 119, 123; Walker, 2007, p. 17). I believe that the present study has made a significant contribution to the effort of bridging that gap between professional education and the problems of practice. Moreover, it has done so in respect of a critical feature of policing in a democratic society.
APPENDIX A

Semi-Structured Interview Guide (Kosovo Police Survey) - Assessing the Impact of the Police Inspectorate of Kosovo (PIK)

**Introduction.** This interview forms part of a broad assessment of opinions about the role and efficacy of the Police Inspectorate of Kosovo (PIK), since start of operations in 2006. The purpose of the interview is to obtain your honest views and opinions about the way in PIK has assisted in reducing the level of police misconduct, and how you believe that such misconduct can be best tackled. Your personal details will NOT be recorded and the researcher will ensure that the responses you provide remain anonymous. Your responses will form part of a Professional Doctorate dissertation submitted to the University of Portsmouth, UK, and will be presented in a way that will not allow you or your views to be identified. Thank you for your time and contribution.

<table>
<thead>
<tr>
<th>Interviewer and Interviewee</th>
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<tr>
<td><strong>Respondent’s Rank:</strong></td>
</tr>
<tr>
<td><strong>Interviewer:</strong></td>
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</table>

**Questions**

1. What do you understand to be the purpose of PIK’s work?

2. What do you think PIK has done well over the last two years?

3. What do you think PIK has failed to do well over the last two years?

4. How has PIK influenced the way KP officers do their job?

5. How would you describe the current level of misconduct among KP officers? (Follow-on: Why do you believe this to be the case?)
6. What, in your view, are the most worrying discipline problems among KP officers today? (Follow-on: State in order of priority the three most troubling discipline problems)

7. What do you believe to be the main factors that influence misconduct among KP officers? (Follow-on: Why do you believe this to be the case?)

8. What do you believe to be the main forces that deter misconduct among KP officers? (Follow-on: Why do you believe this to be the case?)

9. Do you believe that there is less officer misconduct among KP staff since 2006?

10. What are your views on the benefits of the PIK as independent investigators of police misconduct?

11. What do you think about the PIK involvement in the investigation of police misconduct?

12. How would you describe the changes that you have seen in the standard of professional conduct among KP officers since you joined?

13. What do you think needs to change in the way misconduct is dealt with?

Many thanks for agreeing to take part in this interview!
Udhëzues interviste gjysëm i strukturuar (Anketë e Policisë së Kosovës) - Vlerësimi i rezultateve të punës së Inspektoratit Policor të Kosovës (IPK)

Hyrje. Kjo intervistë është pjesë e një vlerësimi të gjërë mendimesh për rolin dhe efikasitetin e Inspektoratit Policor të Kosovës (IPK), që nga fillimi i veprimit në vitin 2006. Qëllimi i intervistës është të sigurohen pikëpamja dhe mendime të sinqerta për mënyrën se si IPK-ja ka ndihmuar në zvogëlmin e nivelit të sjelljeve të këqija të policisë dhe si këto sjellje mund të trajtohen më së miri. Të dhënat tuaja personale NUK DO TË evidentohen dhe hulumtuesi do të sigurojë që përgjigjet e juaja mbesin anonime. Përgjigjet tuaja do të përbëjnë pjesën e një studimi më të gjërë të performancës së Inspektoratit policor të ndërmarrur në Univerzitetin e Portsmouth-it, UK, dhe do të prezantohen në atë mënërë që të mos shpalosin pikëpamjet tuaja apo identitetin tuaj. Ju faleminderit për kohën dhe kontributin tuaj.

Intervistuesi dhe i intervistuarit

<table>
<thead>
<tr>
<th>Grada e të anketuarit:</th>
<th>Numri i personave që mbikëqyrë:</th>
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<tbody>
<tr>
<td>Intervistuesi:</td>
<td>Data:</td>
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Pyetjet

1. Sipas mendimit tuaj, cili është qëllimi i punës së IPK-së?


2. Çka mendoni se IPK-ja ka punuar mirë gjatë dy viteve të fundit?


3. Çka mendoni se IPK-ja nuk ka bërë mire gjatë dy viteve të fundit?
4. Si ka ndikuar IPK-ja në mënyrën e kryerjes së punës nga ana e zyrtarëve të PK-së?

5. Si e përeshkruani nivelin e tanishëm të sjelljeve të këqija në mesin e pjesëtarëve të PK-së? (vazhdim: pse mendoni kështu?)

6. Sipas mendimit tuaj, cilat janë problemet më shqetësuese lidhur me disciplinën e pjesëtarëve të PK-së sot? (vazhdim: numëroni sipas prioritetit tri probleme më shqetësuese lidhur me disciplinën)

7. Sipas mendimit tuaj, cilët janë faktorët kryesor që nxisin sjelljete e këqija nga ana e zyrtarëve të PK-së? (vazhdim: pse mendoni kështu?)

8. Sipas mendimit tuaj, cilat janë forcat kryesore që pengojnë sjelljet e këqija në mesin e zyrtarëve të PK-së? (vazhdim: pse mendoni kështu?)

9. A mendoni se që nga viti 2006, ato sjellje të personelit të PK-së kanë qenë në numër më të vogël?
10. Sipas mendimit tuaj, cilat janë përparësitë e ekzistimit të IPK-së si organ i pavarur hetues i sjelljeve të këqija policore?

11. Çka mendoni për përfshirjen e IPK-së në hetimin e sjelljeve të këqija policore?

12. Si do t’i përrshkruani ndryshimet e vërejtura në standardet e sjelljes profesionale të pjesëtarëve të PK-së që kur i jeni bashkangjitur kësaj organizate?

13. Sipas mendimit tuaj, çfarë duhet të ndryshohet në mënyrën e trajtimit të sjelljeve të këqija?

Ju faleminderit shumë për pjesëmarrjen në këtë interivstë!
APPENDIX A (SERBIAN)

Polustruktuirani intervju (Anketa Kosovske Policije) - Procena uticaja Policijskog Inspektorata Kosova

Uvod. Ovaj intervju predstavlja deo široke ankete mišljenja o ulozi i efikasnosti Policijskog Inspektorata Kosova (PIK), od početka njegovog delovanja 2006. godine. Svrha intervjua je da se dobije vaše iskreno mišljenje o načinu na koji je PIK pomogao smanjenju nivoa lošeg vladanja policije i sta vi mislite da bi bio najbolji način da se okonča ovo loše vladanje. Vaši lični podaci neće biti evidentirani i ispitivač će obezbediti da odgovori koje nam budete dali ostanu anonimni. Vaši odgovori će obrazovati deo profesionalne doktorske disertacije dostavljene Univerzitetu Portsmut, VB, i predstavice se na način da vi i vaše mišljenje nećete biti identifikovani. Hvala vam na uloženom vremenu i doprinosu.

Interviewer and Interviewee

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<tr>
<th>Čin ispitanika:</th>
<th>Broj osoba pod vašim nadzorom:</th>
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<td>Ispitivač:</td>
<td>Datum:</td>
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Pitanja

1. Sta je po vašem mišljenju svrha rada Policijskog Inspektorata Kosova (PIK)?

2. Po vašem mišljenju, šta je PIK uradio dobro u poslednje dve godine?

3. Po vašem mišljenju, šta PIK nije uradio dobro u poslednje dve godine?

4. Na koji način PIK utiče na rad policajaca KP?
5. Kako biste opisali trenutni nivo lošeg ponašanja među policajcima KP? (Zašto mislite da je tako?)

6. Po vašem mišljenju, koji su to danas najzabrinjavajući problemi u vezi sa disciplinom među pripadnicima KP? (Poređajte po važnosti tri najveća problema u vezi sa disciplinom)

7. Po vašem mišljenju, koji su glavni faktori koji utiču na loše ponašanje među pripadnicima KP? (Zašto mislite da je tako?)

8. Po vašem mišljenju, koji su glavni načini za promenu lošeg ponašanja među pripadnicima KP? (Zašto mislite da je tako?)

9. Da li verujete da je od 2006. godine opao nivo lošeg ponašanja među pripadnicima KP?
10. Po vašem mišljenju, koje su prednosti postojanja PIK-a kao nezavisni istražitelja lošeg ponašanja policije?

11. Šta vi mislite o učešću PIK-a u istragama vezanim za loše ponašanje policije?

12. Kako biste opisali promene koje ste primetili u standardu profesionalnog ponašanja među pripadnicima KP, od vašeg pristupanja službi?

13. Po vašem mišljenju, šta treba menjati u načinu borbe protiv lošeg ponašanja?

Veoma smo vam zahvalni što ste pristali da učestvujete u ovom intervjuu!!
APPENDIX A

Structured Interview (Kosovo Police Survey) - Assessing the Impact of the Police Inspectorate of Kosovo

Introduction. This interview forms part of a broad survey of opinions about the role and efficacy of the Police Inspectorate of Kosovo (PIK), since start of operations in 2006. The purpose of the interview is to obtain your honest views and opinions about the way in PIK has assisted in reducing the level of police misconduct, and how you believe that such misconduct can be best tackled. Your personal details will NOT be recorded and the researcher will ensure that the responses you provide remain anonymous. Your responses will form part of a Professional Doctorate dissertation submitted to the University of Portsmouth, UK, and will be presented in a way that will not allow you or your views to be identified. Thank you for your time and contribution.

Respondent’s Rank: ___________________________ Number of persons supervised: ___________________________

Interviewer: ___________________________ Date: ___________________________

1. How much do you agree or disagree with the following statement?
“Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
<th>Slightly Disagree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
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2. How much do you agree or disagree with the following statement?
“Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
<th>Slightly Disagree</th>
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<th>Strongly Disagree</th>
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Please turn to page 2
3. How much do you disagree or agree with the following statement?
“Police misconduct in Kosovo has decreased in recent years.”

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
<th>Slightly Disagree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
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4. How much do you disagree or agree with the following statement?
“PIK officers conduct thorough and professional investigations.”

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<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
<th>Slightly Disagree</th>
<th>Disagree</th>
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5. How much do you agree or disagree with the following statement?
“Complaints against KP staff should be dealt with by an external/independent agency.”

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
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6. How much do you agree or disagree with the following statement?
“Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”

<table>
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<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Slightly Agree</th>
<th>Slightly Disagree</th>
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Please turn to page 3
7. Which of the following types of misconduct among KP officers causes you most concern? (Select only one option).

(a) Excessive use of force  □
(b) Abuse of human rights □
(c) Graft or taking bribes □
(d) Insubordination or poor performance □
(e) Other types of misconduct □

<table>
<thead>
<tr>
<th>Have you ever been investigated by the Police Inspectorate?</th>
<th>Have you ever been investigated by Professional Standards Directorate?</th>
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<tr>
<td>YES</td>
<td>NO</td>
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<tr>
<td>NO</td>
<td>YES</td>
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<tr>
<td>Have you made a complaint against another Kosovo Police officer?</td>
<td>Have you provided evidence against another Kosovo Police officer in a disciplinary case?</td>
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<tr>
<td>YES</td>
<td>NO</td>
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<td>NO</td>
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<td>YES</td>
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Many thanks for agreeing to take part in this survey!
Holding police accountability theory to account

APPENDIX A (ALBANIAN)

Intervistë e strukturuar (Anketë e Policisë së Kosovës) - Vlerësimi i rezultateve të punës së Inspektoritat Policor të Kosovës (IPK)

Hyrje. Kjo intervistë është pjesë e një vlerësimi të gjërë mendimesh për rolin dhe efikasitetin e Inspektoratit Policor të Kosovës (IPK), që nga fillimi i veprimit në vitin 2006. Qëllimi i intervistës është të sigurohen pikëpamjete dhe mendime të sinqerta për mënyrën se si IPK-jë ka ndihmuar në zvogëlimin e nivelit të sjelljeve të këqija të policisë dhe si këto sjellje mund të trajtohen më së miri. Të dhënat tuaja personale NUK DO TË evidentohen dhe hulumtuvesi do të sigurojë që përgjigjet e juaja mbisën anonime. Përgjigjet tuaja do të përbëjnë pjesën e një studimi më të gjërë të performancës së Inspektoratit policor te dorëzuar ne Univerzitetin e Portsmouth-it, UK, dhe do të prezontohen në atë mënyrë që të mos shpalosin pikëpamjet tuaja apo identitetin tuaj. Ju faleminderit për kohën dhe kontributin tuaj.

Intervistuesi dhe i intervistuar

Grada e të anketuarit: Numri i personave që mbikëqyrë:
Intervistuesi: Data:

1. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Zyrtarët e Policisë së Kosovës ka gjasa të respketojnë më shumë të drejtat e qytetarëve për shkak të pranišë së Inspektoratit Policor?”

Fuqimisht Pajtohem Pajtohem Nuk pajtohem Nuk pajtohem Fuqimisht
pajtohem deri diku plotësisht nuk pajtohem


2. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Inspektorati Policor ndihmon zyratrët e PK-së të kryejnë detyrën sipas standardeve të larta të integritetit dhe sinqerititit.”

Fuqimisht Pajtohem Pajtohem Nuk pajtohem Nuk pajtohem Fuqimisht
pajtohem deri diku plotësisht nuk pajtohem

Ju lutemi kaloni në faqen 2
3. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Numri i sjelljeve të këqija në Kosovë është zvogëluar viteve të fundit”

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4. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Zyrtarët e IPK-së kryejnë hetime sistematike dhe profesionale”

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5. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Ankesat ndaj personelit të PK-së duhet të shqyrtohen/trajtohen nga ana e një agjencie të jashtme/të pavarur.”

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6. Sa pajtoheni apo nuk pajtoheni me pohimin e mëposhtëm?
“Personeli i Drejtorisë së Standardeve Profesionale janë hetues më efektiv në raste të anksesave ndaj personelit të Policisë së Kosovës sesa zyrtarët e Inspektoratit Policor.”

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Ju lutemi kaloni në faqen 3
7. Cila nga llojet e sjelljeve të këqija në vijim e zyrtarëve të PK-së ju brengos më së shumti? (Zhgjedhni vetëm një opcion).

(a) Përdorimi i tepruar i forcës
(b) Shkelja e të drejtave njerzore
(c) Marrja e rryshfetit ose mito
(d) Mosbindja ose performanca e dobtë
(e) Lloje tjera të sjelljeve të këqija

<table>
<thead>
<tr>
<th>A jeni hetuar ndonjëherë nga Inspektorati Policor?</th>
<th>A jeni hetuar ndonjëherë nga Drejtoria e e Standardev Profesionale?</th>
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A keni paraqitur ndonjë ankses ndaj ndonjë zyrtari tjetër të Policisë së Kosovës?

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<th>A keni ofruar dëshmi ndaj ndonjë zyrtari tjetër të Policisë së Kosovës për një rast disciplinor?</th>
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Ju faleminderit shumë për pjesëmarrjen në këtë anketë!
Strukturni intervju (Anketa Kosovske Policije) - Procena uticaja Policijskog Inspektorata Kosova

**Uvod.** Ovaj intervju predstavlja deo široke ankete mišljenja o ulozi i efikasnosti Policijskog Inspektorata Kosova (PIK), od početka njegovog delovanja 2006. godine. Svrha intervjuja je da se dobije vaše iskreno mišljenje o načinu na koji je PIK pomagao smanjenju nivoa lošeg vladanja policije i šta vi mislite da bi bio najbolji način da se okonča ovo loše vladanje. Vaši lični podaci neće biti evidentirani i ispitivač će obezbediti da odgovori koje nam budete dali ostanu anonimni. Vaši odgovori će obrazovati deo profesionalne doktorske disertacije dostavljene Univerzitetu Portsmut, VB, i predstavite se na način da vi i vaše mišljenje nećete biti identifikovani. Hvala vam na uloženom vremenu i doprinosu.

**Ispitanik i ispitivač**

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<tr>
<th>Čin ispitanika:</th>
<th>Broj osoba pod vašim nadzorom:</th>
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<tr>
<td>Ispitivač:</td>
<td>Datum:</td>
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1. Koliko se slažete ili ne slažete sa sledećom izjavom?
   “Pripadnici Kosovske Policije više poštuju pravo građana zbog prisustva Policijskog Inspektorata.”

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<th>U potpunosti</th>
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<th>Delimično se ne slažem</th>
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2. Koliko se slažete ili ne slažete sa sledećom izjavom?
   “Policijski Inspektorat pomaže pripadnicima KP-a da ostvare visoke standarde integriteta i poštenja.”

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3. Koliko se ne slažete ili slažete sa sledećom izjavom?
“Loše vladanje policije na Kosovu je smanjeno poslednjih godina.”

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4. Koliko se ne slažete ili slažete sa sledećom izjavom?
“Pripadnici PIK-a obavljaju detaljne i profesionalne istrage.”

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5. Koliko se ne slažete ili slažete sa sledećom izjavom?
“Na žalbama protiv KP-a treba da radi spoljna/nezavisna agencija”

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6. Koliko se slažete ili ne slažete sa sledećom izjavom?
“Osoblje Uprave za Profesionalne Standarde efikasnije vodi istrage žalbi protiv osobila Kosovske Policije nego pripadnici Policijskog Inspektorata.”

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Molimo okrenite stranu 3

(a) Prekomerna upotreba sile
(b) Kršenje ljudskih prava
(c) Ucena ili primanje mita
(d) Neposlušnost ili nezadovoljavajuće delovanje
(e) Ostale vrste lošeg vladanja

<table>
<thead>
<tr>
<th>Da li ste nekada bili pod istragom Policijskog Inspektorata?</th>
<th>Da li ste nakada bili pod istragom Uprave za Profesionalne Standarde?</th>
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<tr>
<td>DA</td>
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<tr>
<td>Da li ste nekad uložili žalbu protiv drugog pripadnika Kosovske Policije?</td>
<td>Da li ste nekad pružili dokaze protiv drugog pripadnika Kosovske Policije u displinskom slučaju?</td>
</tr>
<tr>
<td>DA</td>
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Veoma smo vam zahvalni što ste pristali da učestvujete u ovom ispitivanju!
Appendix B

Notes on preparation of the interview guide

B.1 Selecting an appropriate strategy

The interview is identified as the most fundamental qualitative research method (Keegan, 2009, p. 73; Easterby-Smith et al, 2004, p. 85; Ten Have, 2004, p. 5), offering the opportunity to probe deeply, uncover clues, open new dimensions of the problem, and secure inclusive accounts based on personal experience or biographies (Smith, 2009, p 115; Burgess, 1982, p. 107). Moreover, interviews can provide a vehicle for data about individual perceptions (Smith, 2009. p 116; Weinberg, 2002, p. 117), and qualitative interviews are often used in conjunction with other techniques (Fontana & Prokos, 2007. p 112), thereby offering a potentially useful component of the present study.

Semi-structured interviews offer a via media that has a number of potential advantages in the present study: use of open-ended questions balanced by a degree of pre-determined purpose (Smith, 2009. p 116; Crano & Brewer, 2002. p 233); flexibility balanced by structure (Jupp, 1989, p. 68); greater opportunity to probe with follow-up questions (Noaks & Wincup, 2006, p. 79). As a result, it can yield rich and often surprising data about perceptions, contradicting the assumptions of policy makers (Jupp, 1989, p. 68). Although costly in question/topic development, demanding interviewing skill/practice (Gillham, 2005, p. 79), and requiring more investment in analysis and interpretation (Gillham, 2005, p. 70), this approach holds out the promise of sufficiently rich data in relation to the research question about PIK efficacy.
The decision to adopt a particular research strategy, according to Noaks & Wincup, (2006, p. 78), should be influenced by a number of factors, including the characteristics of the target population, the sensitivity of the topic, location of the interview and the timescales. An exploration of senior KP perceptions about the impact of the PIK on their organization must go beyond highly structured interviews that are based on questionnaires and offer a limited and positivistic approach (Easterby-Smith-Smith et al, 2004, p. 86). Likewise, it helps to move beyond the inevitable assumptions that drive structured questions. Semi-structured interviews offer the benefits of both structure and opportunities to probe responses and explore ideas about the impact of external oversight. Finally, a semi-structured approach has the benefit of non-verbal clues, such as voice inflection and facial expression (Easterby-Smith et al, 2004, p. 86) - an important consideration when communicating with ethnic Albanian officers who sometimes feel reluctant to voice negative views about government organizations.

B.2 Design and use of the semi-structured interview

As noted by scholars, it would be a mistake to simply assume that conducting an interview is a variation on a life skill: it requires proper planning and preparation if it is to be effective, and based on prior knowledge of the area being researched (Rugg & Petre, 2006, p. 135; Gillham, 2005, p. 46). Shaw & Gould (2002, p. 143) observe that interview structure is a critical component of the planning stage. A good structure is a product of the properly planned questions that link back to the announced purpose of the interview, and the purpose of the research (Robbins, 1998, p.88). The purpose of this study is to understand how KP officers construct “the reality of their situation,
formed from the complex personal framework of beliefs and values” that are used to explain events in the world (Jones, 1985, cited by Easterby-Smith et al, 2004, p. 87).

Therefore, the semi-structured interview must be built with questions designed to elicit those beliefs and values that form individual (KP) perceptions of the impact of the PIK (Agee, 2009, p. 432). To that end, I found Gillham’s (2005, p. 19) advice useful and began by brainstorming the questions on paper, jotting down as many questions as occurred to me, then reviewing and reorganizing them into topic-based groups. This made it possible to construct the interview questions with a content that made sense (Gillham, 2005, p. 19). What resulted was what the literature describes as a semi-structured interview “guide” (or schedule), with predetermined topics and questions, and space to explore additional topics as they arise (Rugg & Petre, 2006, p. 138; Easterby-Smith et al, 2004, p. 88).

The guide that I used in the semi-structured interviews with KP officers can be found in Appendix A. The design of the questions is deliberately ‘open’ – that is formulated in a way that will elicit free and unprompted responses (Robbins, 1998, p. 90). The design also sought to use a style of language and vocabulary that the interviewee would readily identify with, thereby enhancing the potential for free-flowing responses (Rugg & Petre, 2006, p. 139). Language proved to be a critical issue, since the questions had to be translated into both Albanian and Serbian, the official languages of the government of the Republic of Kosovo\textsuperscript{31}.

\textsuperscript{31} Note that translated versions are also provided under Appendix A.
In terms of content, the guide falls into three parts: an introduction, some factual questions, and a series of open/opinion questions. There is agreement in the literature that it is important to explain to the interviewee the purpose and scope of the interview, as well as what will be done with the data (Noaks & Wincup, 2006, p. 83; Coontz, 1998, p.11). It is also suggested that respondents are provided with a straightforward description of the goals of the research, since the purpose of the research is to “grant access to their lives, their minds, [and] their emotions,” (Crano & Brewer, 2002. p 203; Lofland and Lofland, 1984, p. 25). For this reason an introduction was added to the question guide to remind the interviewer to clarify the exact purpose of the interview and the use of the data provided, and to emphasise the anonymity of the participant (Cohen, Manion, & Morrison, 2007, p 343; Crano & Brewer, 2002. p 239). This note also makes clear that participation is conditional upon the person’s voluntary consent, an essential requirement of ethical research (Denscombe, 2003. p. 138; Coontz, 1998, p.7).

The guide then lists 13 questions that are open in style and invite the respondent to express an opinion rather than merely state a fact (Robbins, 1998, p. 91). The first four questions explore the respondent’s knowledge and understanding of the PIK, as well as his/her perceptions of its apparent strengths and weaknesses. The next five questions try to explore the respondent’s perceptions of the nature, extent and trends in KP misconduct. This is followed by two further questions exploring perceptions about the impact of the PIK, and two final questions on misconduct trends. Some questions deliberately overlap in an effort to check understanding and consistency in the responses. Following advice in the literature, a note is added to some questions to remind the interviewer to explore and probe the answers more
This deters the interviewer from an unhealthy emphasis on process, the how, at the expense of what is conveyed by the respondent (Weinberg, 2002, p. 114); it reminds researchers that interviewees are not passive subjects; they are active participants in the interaction (Cohen, et al, 2007. p 18; Denscombe, 2003. p. 167).

Deciding how to record the interview data presented a particular challenge, in view of the divided opinions in the literature. For some, the decision to rely on written notes or a tape recorder appears to be largely a matter of personal preference. For example, Lincoln and Guba “do not recommend recording except for unusual reasons” (1985, p. 241), whilst others strongly urge that a tape recorder is “indispensable” (Patton, 1990, p. 348) and has the advantage of capturing data more faithfully than hurriedly written notes might (Denscombe, 2003. p. 175). My instinct was to follow Weinberg (2002, p. 101) and others and reject tape recording as a potential barrier, and opt instead for a system of jotting down notes that would serve as a memory aid (when full notes are later constructed), thereby avoiding the detrimental effects of writing too much (Noaks & Wincup, 2006, p. 86; Denscombe, 2003, p 175). Ardian Latifaj, a local Programme Office staff member, read the questions to the interviewees (in Albanian or Serbian) and simultaneously translated the responses. In some cases, the senior KP staff preferred to speak English. This approach allowed me to make notes while maintaining good eye contact and providing NVQs that signalled my interest to the interviewee. As soon as possible after the interview I created a fuller, typed manuscript that was based on the notes made during the interview.
B.3 Evaluation of the interview method

Interviewing is easy to do badly and difficult to do well (Keegan, 2009, p.102; Rugg & Petre, 2006, p. 137). Evaluation, the process of learning to do better, means assessing the practical, theoretical and ethical issues that were raised in the use of this qualitative research method.

Whilst the literature rightly points to the possibility of problems in gaining access to the data in the criminal justice arena (Noaks & Wincup, 2006, p. 56 Ten Have, 2004, p. 109; Gerson & Horowitz, 2002, p. 207), I did not find it overly problematic to gain access to the KP officers who might provide useful information. There was happily no evidence of the police hostility that some authors have encountered (Eijkmann, 2006, p. 426). Following advice in the literature, I found that it was easier to gain access by making use of contacts that would help remove barriers, and by reducing unnecessarily wasting respondents’ time (by not questioning matters of public record), and by treating respondents with courtesy (Cohen, et al, 2007. p 55; Sommer & Sommer, 1997, p.121). Moreover, my professional role with EULEX (and previous work with OSCE) meant that I knew many, if not all the senior KP officers, and this provided a distinct advantage in gaining access.

Since April 2008 I have been employed by EULEX – the European Union Rule of Law Mission in Kosovo - as the Programme Manager (Police). My work has involved the design and implementation of a staged police reform process for the KP, in cooperation with the EULEX Police Strengthening Department (PSD) - about 400 police officers from contributing States. My work has given me access to all senior KP officers, as well as access to the considerable resources of EULEX (Programme
Office and PSD). In May 2011 both EULEX (Head of Programme Office, and Head of PSD) and Reshat Maliqi, Director General of the KP, welcomed my pilot project with enthusiasm and fully agreed to facilitate the proposed study. It was recognised that the research (once shared with EULEX and KP) would add to the growing pool of data on KP performance and the important issue of police accountability in Kosovo. EULEX agreed to provide translation support for the Interview Guide (English to Albanian and Serbian) and support of Ardian Latifaj, a local Programme Office staff member, to assist with the interviews.

Perhaps the more important danger in my interviews with KP senior staff is what some scholars describe as the interviewees “telling the researcher what they think she wants to hear” (Easterby-Smith et al, 2004, p. 90; Sommer & Sommer, 1997, p.107). This would arguably be the natural result of two combined factors in my case: firstly, that some of the officers knew the researcher and, secondly, some of the officers knew that the researcher had a significant role in the creation of the PIK. In order to obviate this significant risk to the integrity of the data I decided that it would be prudent to voice my concern with each interviewee and emphasise that I welcomed an honest opinion even if the interviewee felt there was a risk of offending me. Following other good advice in the literature, I thought it best to conduct the interviews (where possible) away from the KP workplace (Easterby-Smith, 2004, p. 92): this, I believed, would make it more likely that the officers would feel relaxed and more inclined to give honest views.

The guide proved easy to use and the prompts to explore views had the desired effect of obtaining sufficiently rich data. Virtually all the interviewees proved most
helpful and required little prompting to offer free-flowing accounts of their beliefs about external oversight. Indeed, such was the volume of material in the average response I was reminded of the advice of Easterby-Smith (2004, p. 89) that an important skill of interviewing is that of recognising and recording what is relevant and avoiding the irrelevant. In some cases the officers tended to migrate into areas that were not directly relevant to the study, and it was necessary to bring them back to the original question. The volume did generate problems with note taking and I fear that my notes may have omitted some vital points in the substantial flow of data.
APPENDIX C

Notes on the design and use of the questionnaire

C.1 Choosing the best quantitative strategy

At this juncture the study will critically evaluate the strengths and weaknesses of different quantitative research strategies, with a view to identifying the best option for the present study. As in qualitative research, the realm of quantitative research offers a range of methods. Easterby-Smith (2004, p.130) indicates that interviews, questionnaires, tests/measures and observation are the main ways of gathering quantitative data, alongside some less commonly used methods such as sourcing from archives and data banks.

Questionnaires are measuring instruments that ask individuals to answer a set of questions, often about attitudes and opinions; if the questions ask for information about the individual respondents, they are called “self-report questionnaires” (Schwab, 2004, p. 39). This approach involves use of a series of precisely worded and standardized questions that are designed to cater for either factual answers or less precise answers where the respondent is uncertain (Denscombe, 2003. p. 166; Bechhofer & Paterson, 2000, p.75). Where imprecise answers are anticipated, the interviewer is furnished with four or five alternative answers, into which a response is constrained (Denscombe, 2003. p. 166; Jupp, 1989, p. 63). Each of the potential responses is given a numerical code, so that the whole interview can be recorded as a series of numbers and the results fed into a computer for rapid analysis, using applications such as Statistical Package for Social Science (SPSS) (Blaxter, 2010. p 222). Due to the design of the questionnaires, it is possible to conduct such interviews
either face-to-face or over the telephone. It is noteworthy, however, that – in spite of
the highly structured design - quantitative data interviews are far from purely
mechanical processes of extracting raw data.

Whilst questionnaires are usually less expensive to administer than interviews,
the respondents' abilities (i.e. reading, comprehension) and motivations (i.e. aversion
to forms, questionnaires) may make the use of questionnaires problematic and suggest
the need to take advantage of benefits of interaction between the interviewer and
interviewee (Brace, 2008, p 23, 26; Schwab, 2004, p. 41). In terms of the quest for an
answer to Walker’s question, it is interesting to note that the technique of structured
questionnaires has emerged in response to some doubts about the validity of the
inferences drawn on the basis of qualitative interviewing alone (Bechhofer &
Paterson, 2000, p.75). Thus the use of the questionnaire could, potentially, either
defeat or corroborate the findings of the qualitative, semi-structured interview.
Against that, there are serious conceptual or epistemological problems with systems
that constrain the respondent’s answer. Formal questions are often criticised for
imposing a cognitive world on the people being interviewed: that is, a view of the
world shaped by social science theories more than by common experience (Bechhofer
& Paterson, 2000, p.75). In a more sinister sense, the way a question is framed can
induce a distorted response: we can, it is argued, make people feel at ease about
socially unacceptable responses (Bechhofer & Paterson, 2000, p.77).

A decision was made to adopt the self-report questionnaire as the best strategy
on the basis of a number of factors, particularly the size of the target population and
the time constraints on all involved. Since the relevant population consists of over
7,000 police officers, a limited sample would have to be conducted rather than full census. A sufficient sample would nonetheless involve several hundred KP staff, and the appropriate strategy would have to make the task practically feasible among busy operational police staff. Having considered the options described earlier, it was decided that the best strategy would be to conduct a survey using a structured self-report questionnaire, as a means of “obtaining information from, or about, a defined set of people, or population” (Easterby-Smith et al, 2004, p.135). Quantitative questionnaires seemed to offer obvious advantages for the main aim of a survey: namely, to construct a subset of the KP population, which is fully representative in the main areas of interest (i.e. perceptions of the effectiveness of the PIK). Moreover, this strategy held out the possibility of making subsequent statistical inferences on the likelihood that patterns of beliefs and attitudes observed in the sample would also be replicated in the entire KP population. Finally, it is noteworthy that the mix of structured interviews and self-administered questionnaires has been used in similar studies of police perceptions (see for example de Guzman, 2007, p. 34).

C.2 Questionnaire Design

Self-report questionnaires are deemed appropriate methods of gathering data about attitudes and opinions (Schwab, 2004, p. 39). In terms of questionnaire design, it was decided that the most effective way of gaining responses relevant to Walker’s question would be a combination of ‘questions of fact’ and ‘questions of opinion’ (Easterby-Smith et al, 2004, p. 132; Schwab, 2004, p. 43). The former relate to issues such as age, occupation, level of education, police rank, and length of police service: these would be relevant to gauging the links between perceptions about external oversight and police misconduct on the one hand, and issues such as length of service,
policing experience and supervisory function on the other hand. Of all the approaches used to gather data directly from people, research suggests that people are more likely to give honest responses to sensitive questions when responding to a self-administered questionnaire (Johnson, 2002, p. 94).

As noted earlier, it is important to know and exploit the important distinction between open and closed questions: it was decided to avoid fully open questions in the questionnaire design, thereby facilitating the process of analysing the responses (Keegan, 2009, p. 113; Denscombe, 2003, p. 156). The distinction between open and closed questions is noted as being one of degree as much as kind (Gillham, 2005, p. 115): in addition to fully open questions (such as, ‘in what respects is the PIK more effective?’), there are open questions that give some structure to the answers (Easterby-Smith, Thorpe & Lowe, 2004, p. 133) and these could be used to good effect in the questionnaire design.

It was decided to exploit the use of a closed-ended response format, involving questions that can be constructed in a way that provides more discrimination in the response than a simple ‘yes’ or ‘no’ (Schwab, 2004, p. 44). The most common formula of structured closed questions is the Likert scale (Bell, 2005, p. 142; Denscombe, 2003, p. 237; Crano & Brewer, 2002, p. 286; Robbins, 1998, p. 90), and this was used extensively in questions such as the following:

How much do you agree or disagree with the following statement?

*The PIK is more effective in reducing police misconduct.*

Agree strongly (1) - Agree (2) - Undecided (3) – Disagree (4) - Disagree strongly (5)
The KP respondent is asked to select the most appropriate response by marking one of the five categories, thereby indicating the degree of agreement or disagreement with the main statement. Another form of closed question that requires the exercise of judgement is the ranking exercise, where the respondent is asked to indicate the order of importance of a list of attributes or statements: however, given the relative complexity of ranking long lists of items (Easterby-Smith et al, 2004, p. 133), it was decided not to use this technique in the draft questionnaire. According to Johnson, questionnaires should be short and take no more than 30 minutes to complete (2002, p 94): it was decided, therefore, to seek a solution that employed closed questions that had the advantage of being quick to complete and analyse. Although open questions might allow the possibility of asking deeper questions and obtaining unanticipated views and perspectives on external oversight, they carried the considerable weakness that completion and particularly analysis - would be difficult, complex and time-consuming.

In addition to these considerations, it was decided to act upon a number of general principles advocated in the literature. These included the emphasis on clarity in the phrasing of the question, avoiding jargon, and avoiding negatives (e.g. do you dislike the PIK?) (Cohen, Manion, & Morrison, K., 2007. p 334; Schwab, 2004, p. 43; Robbins, 1998, p.91). In addition, the scholars advocate that questionnaires avoid personal questions, multiple questions (i.e. more than one question in a sentence) and leading questions (i.e. where the response is potentially influenced by the phrasing of the question) (Robbins, 1998, p.93). In terms of the general format of the questionnaire, Easterby–Smith et al (2004, p. 135) offered some guidance that was
usefully built into the final draft that was used in a pilot survey. This included the provision of a short explanatory note, detailing the purpose of the research and why the respondent was selected; provision of instructions about how to complete the questionnaire; varying the type of question whilst grouping together questions that are broadly similar; and, finally, starting with simple, factual questions, then moving on to items of opinion or values.

In view of the above considerations, it was decided to employ a survey methodology to measure the perceptions of PIK clients, both supervising officers and supervised officers (i.e. patrol officers, sergeants and lieutenants). Although there are reservations about the use of surveys and respondent perceptions, other data collection procedures were not possible because of time and financial constraints, and would not allow for the collection of data in a substantial number of cases. For example, data would need to have been collected concerning the history and reasons why KP policies were enacted to see if they were implemented in response to PIK actions. Officers would need to be debriefed using protocol analysis on a regular basis to determine whether the existence of the PIK influenced their daily street-level decisions. It was clear that the costs involved in these types of data collection processes would have been beyond the scope of this limited research.

It is acknowledged that the use of beliefs and perceptions to measure external oversight impact is not uncontroversial. There are concerns that, inter alia, respondents may forget, filter, or misinterpret events or that they might give socially desirable (rather than accurate) responses to questions. In short, there is concern that respondents might reconstruct their own reality concerning an issue about which they
are being questioned (Brace, 2008, p 13, 21). Against all this, there is good evidence in the relevant literature that indicates that perceptions are important determinants of actions (Smith, 2009. p. 58; Oskamp, & Schultz, 2004, p. 6); police officers, like other employment groups, tend to act upon the information that is at their disposal.

A single survey instrument was prepared that would allow – at the analysis stage – for the study to differentiate between the responses of KP officers in ‘first-line’ supervisor roles, and those KP patrol officers who are supervised by the ‘first-line supervisors’. In 2012 the KP had a total of 7,076 police officers, of whom 5,778 (81%) were patrol officers, 834 (11.7%) were Sergeants and 299 (4.2%) were Lieutenants (PIK Annual Report, 2012). The questionnaire consisted of two parts (see Appendix B). Following advice in the literature, the first part of the survey instrument provides an explanatory note that is designed to provide some explanation concerning the purpose of the interview and the research as a whole, as well as the issues of confidentiality (Gillham, 2005, p. 78; Crano & Brewer, 2002. p 350). The note makes clear that participation is conditional upon the person’s voluntary consent, an essential requirement of ethical research (Denscombe, 2003. p. 138; Coontz, 1998, p.7), and reassures the participant that his/her responses will remain anonymous (Crano & Brewer, 2002. p 239). In its first section, the study needs to ask what are called classification questions (Brace, 2008, p. 44; Bechhofer & Paterson, 2000, p.79) to differentiate between supervisors and supervised, since patterns of belief held by officers on either side of this divide will be important in answering Walker’s question (see Row 1).
Expanding on the work of Perez (1994), the second portion of the survey instrument contains six items aimed at soliciting responses concerning the perceived impact of the PIK on the KP, at the individual and organizational levels. A six-point Likert-scale response option was provided with each statement. The response options were “strongly agree,” “agree,” “slightly agree”, “slightly disagree”, “disagree,” and “strongly disagree”. The six statements are:

- g) Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.
- h) Police Inspectorate helps KP officers perform to high standards of integrity and honesty.
- i) Police misconduct in Kosovo has decreased in recent years.
- j) PIK officers conduct thorough and professional investigations.
- k) Complaints against KP staff should be dealt with by an external/independent agency.
- l) Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.

Question 7 takes the form of a multiple-choice question (Cohen, et al, 2007, p 323) and asks respondents to select one of the following as the type of misconduct among KP officers that causes the respondent most concern.

(a) Excessive use of force
(b) Abuse of human rights
(c) Graft or taking bribes
(d) Insubordination or poor performance
(e) Other types of misconduct
Only one option can be selected. Responses to this question will be compared with data on recorded complaints, thereby allowing the study to check the degree of correspondence between the perceptions of KP officers about the dominant types of police misconduct and the recorded complaints. A high degree of correspondence or, as the case might be, disagreement may either lend weight or detract from the credibility of the earlier responses regarding PIK performance in tackling misconduct.

The final section then collects information that allows the study to identify beliefs and views of officers with varying levels of involvement in the disciplinary regime. It consists of a series of four factual questions – i.e. questions for which there is, in principle, a true answer, rather than whether the answer is factual (Bechhofer & Paterson, 2000, p.78). The first two factual questions (see Row 1) are simple closed measures (yes/no), asking respondents whether (a) they have been investigated by the Police Inspectorate of Kosovo (PIK); and (b) whether investigated by the Professional Standards Directorate. These are of course important indicators of both a heightened level of awareness or increased knowledge of the disciplinary regime, and will create an important subset of the survey that might contrast with the perceptions of those respondents who have not had direct contact with PIK or PSD. Questions three and four (Row 2) are also factual and closed (yes/no), and seek to identify those officers with experience of (a) making a complaint against another officer, and (b), those who have provided evidence against other officers. These categories have particular importance in the KP because of the unusually high incidence of complaints made against officers by other KP officers (Police Inspectorate of Kosovo, 2008, p. 5).
Acting on prompts in the literature, an effort has been made to achieve brevity and clarity in the phrasing of the statements, as well as constructing the interview so that the sequence and content of questions makes sense (Gillham, 2005, pp.19 - 21; Bechhofer & Paterson, 2000, p.74). The final version was achieved by brainstorming questions on paper, converting the questions into statements, and grouping them into the related topics (Cohen, et al, 2007. p. 319; Gillham, 2005, p. 19). Each question had to clearly link back to the research objective (Brace, 2008, p 11). Once the questions had been designed and assembled, I attempted to apply useful guidance on how to make the questionnaire’s appearance attractive, avoiding a cluttered and clumsy visual effect (Cohen, et al, 2007. p 338).

As in the qualitative approach described earlier, the next important issue was that of translation into Albanian and Serbian, ensuring that the objectives of clarity and comprehension were carried over into the translated text. Following advice, it was decided to conduct a trial or pre-test (not a pilot) of the questions by testing them on (EULEX) work colleagues in both languages and obtaining their comments about the ease of comprehension and clarity of meaning (Cohen, et al, 2007. p 341; Bell, 2005. p 147; Schwab, 2004, p. 47; Gillham, 2005, p. 22; Robbins, 1998, p.96). This resulted in one or two changes of words in the translated texts.

C. 3 Use of the questionnaire

Once the design of the questionnaire was completed, the task of implementation had to be tackled. Before administering the full KP survey, it was appropriate to conduct a limited pilot survey of 20 KP officers: this would facilitate the process of testing the questionnaires and identify any survey problem issues (Oppenheim, 1992, p. 8;
Gillham, 2005, p. 25). This would create a number of advantages in terms of testing the assumptions that underpin the questionnaire, particularly those relating to the construction of the statements and use of language. Use of a pilot scheme is recommended as a means of allowing the researcher to check that items are easily understood and that there are no obvious problems concerning length, sequencing of questions, sensitive items (Easterby-Smith et al, 2004, p. 134). During the pilot, the KP officers were encouraged to make comments about the language, content and style of the questionnaire. Since the twenty KP officers involved in the pilot survey did not voice any significant concerns, the questionnaire design will be retained with slight modifications for the full survey.

In terms of delivery, a number of options presented themselves, including: postal delivery, E Mails, telephone interviews, one-to-one interviewing and self-administered (Brace, 2008, p 27). In some contexts, the postal questionnaire has the advantage of being relatively easy to administer, as the respondents have the completed document and can finish it in their own time. However, it was decided not to adopt this method for two reasons: firstly, research indicates that response rates can be as low as 10% (Swetnam, 2000, p. 54); and secondly, Kosovo’s postal system remains compromised, due to the lack of postal codes and ambiguous signs/street names – a legacy of the apartheid period in the 1990s. Telephone interviews can combine the virtues of survey sampling and in-depth interviewing; has some of the qualities of face-to-face interviewing; interviews not bound by geographical distance; and the range of levels of interview structure possible.
However, there is general resistance to the ‘nuisance’ factor i.e. unwanted communications; non-verbal elements missing (though this may change); and limited duration of interviews (Gillham, 2005, p. 106). E-Mail interviews offer instant communication access worldwide; acceptable to those reluctant to participate in a face-to-face interview; and extremely economical on time; response is at the interviewee’s convenience; and no transcription required. Against that, responses can be too colloquial for research purposes; responses can be very abbreviated or edited; and E-Mails can accumulate or be ignored (Gillham, 2005, p. 112). In addition to these reservations, the use of telephone interviews and E Mails was thought to be inappropriate for cultural reasons. Most of my frequent contacts in the KP – when asked – expressed a preference for face-to-face interviewing and persuaded me that many KP officers would prefer to avoid telephone interviewing. The majority made little or no use of an E Mail system of communication, for personal or business purposes.

With the prior agreement of the KP General Director, General Reshat Maliqi, and the Head of EULEX Police Strengthening Department (PSD), the forms (see translated versions under Appendix B) were distributed by KP Station Commanders in several regions, with instructions that the respondent officers should complete the questionnaires within a shift period and handed back to the Station Commander. The questionnaires were completed at the convenience of the officers who proved very positive and helpful. It was explained to the officers that the research data would be treated confidentially and that the researcher was not in any way connected with a government agency. It was also explained that the survey instrument contained no identifiers that might link the respondent to the recorded data. In all cases the
questionnaire was administered to the respondents with their explicit agreement. Feedback from EULEX advisers suggested that the KP respondents found the questionnaires, in general terms, easy to use and not time-consuming. Virtually all the respondents were eager to participate and indicated that they appreciated the opportunity to express their views about the PIK.

Once the questionnaires had been returned, I was faced with the challenge of studying the results and identifying patterns in response to Walker’s question. Analysis is about drawing out distinct and potentially generalizable features of the data (Gillham, 2005, p. 131). I found that the task of quantitative analysis was made much easier by use of a version of SPSS\(^{32}\) software; as recommended in the literature, this made the process of identifying dominant patterns from the limited responses much easier (Blaxter, Hughes, & Tight, 2006, p. 203, 211; Gillham, 2005, p. 144; Denscombe, 2003, p. 242).

\(^{32}\) Originally known as Statistical Package for the Social Sciences
LAW ON POLICE INSPECTORATE OF KOSOVO

CHAPTER I

GENERAL PROVISIONS

Article 1
Aim
This law establishes the mission, organization, functions, duties and responsibilities of the Police Inspectorate of Kosovo.

Article 2
Scope
1. The scope of PIK activity is:
   1.1. Prevention, detection, documentation and investigation of the criminal offences committed by Kosovo Police employees, regardless of rank and position while on duty or off duty;
   1.2. Inspection of the structures and functions of Kosovo Police to ensure accountability, effectiveness and efficiency in the implementation of applicable laws, sub-legal acts and standard operational procedures that are in force;
   1.3. Investigation and/or inspection of high profile disciplinary incidents, involving KP employees, as defined in Article 4, paragraph 1, and sub-paragraph 1.11 of this law;
   1.4. Investigation of all alleged disciplinary offences of police officers having the highest rank of the senior police management level and senior appointed police positions;
1.5. when there is a based suspicion that the General Director of Police has committed disciplinary violation, the Prime Minister may authorize the PIK to conduct the disciplinary investigations. Upon completion of disciplinary investigation the PIK shall report on findings to the Prime Minister;

1.6. to receive all citizens complaints, as well as to review and determine where the complaints will be disseminated for investigation, either to the Kosovo Police, or PIK.

**Article 3**

**Mission**

The Mission of the Police Inspectorate of Kosovo is that through exercising its duties to ensure an accountable, democratic and transparent police service in accordance to the legislation in power and required standards.

**Article 4**

**Definitions**

1. Definitions used in this Law have the following meaning:

   1.1. Investigator - the personnel of the Police Inspectorate of Kosovo who perform criminal investigations involving Kosovo Police employees, including investigations into high profile disciplinary incidents and disciplinary investigation of police officers having the highest rank of the senior police management level and senior appointed police position;

   1.2. Inspectors - the personnel of the Police Inspectorate of Kosovo that perform inspections of the Kosovo Police;

   1.3. MoIA - the Ministry of Internal Affairs;

   1.4. The Minister - the Minister of Internal Affairs;

   1.5. PIK - the Police Inspectorate of Kosovo;

   1.6. Kosovo Police Employee - all personnel that includes the police officer and the civilian staff of Kosovo Police;

   1.7. Police - the Kosovo Police;

   1.8. Law Enforcement Agency - all law enforcement agencies that have police powers;
1.9. Integrity Investigation - a technique or method used to verify the ethics and integrity of Kosovo Police employees.

1.10. Inspection - evaluating Kosovo Police performance in achieving objectives in accordance with required legislation and standards;

1.11. High Profile Disciplinary Case - a case or patterns of events attracting significant public attention, including but not limited to allegations of:
   1.11.1. direct conflict or incidents between the police and communities that relate to racial, ethnic or discriminatory acts;
   1.11.2. an acute problem of a direct conflict between the police and the community. The conflict may take the form of police harassment, brutality or excessive force;
   1.11.3. all use of lethal force incidents;
   1.11.4. death in police custody;
   1.11.5. fatal traffic accidents involving police employees;

1.12. Service complaints - complaints made about police standards, operational instructions or the principles of police service;

1.13. Criminal conduct complaints - the complaints regarding criminal conduct of a police employee, made known to the appropriate authorities.

**Article 5**

**Principles**

1. PIK employees shall respect the PIK Code of Ethics and principles as stated in Code of Conduct for Civil Servants.

2. PIK employees while conducting their duties shall respect applicable law, human rights and freedoms guaranteed by the Constitution of the Republic of Kosovo and shall contribute in their promotion.

3. PIK is guided by the principles of professionalism, objectivity, political impartiality and nondiscrimination.

4. PIK will reflect the multi-ethnic character of the Republic of Kosovo along with the principles of gender equality and human rights guaranteed in the Constitution of the Republic of Kosovo.
5. During the exercise of its activity PIK is independent.

6. Consistent with applicable law, PIK is authorized to gather information and evidence during an investigation in order to determine the conduct of the Police employee, against whom the case is initiated.

7. PIK shall conduct its investigation promptly and in an expeditious manner in order to maintain confidence in the rule of law.

8. While performing their duties, PIK investigators shall comply with the Criminal Code and Criminal Procedure Code.

9. Procedures and decision-making by the PIK should be open and transparent unless this will endanger or impede the course of the investigation.

10. PIK shall receive and register all complaints submitted by citizens.

Article 6

Status

1. PIK is an executive institution under the Ministry of Internal Affairs, independent from the Kosovo Police and under direct subordination of the Minister.

2. PIK is depoliticized.

Article 7

Symbols

PIK has its own emblem approved by the Minister.

Article 8
Identification documents
1. Employees of PIK are equipped with an identification document that serves as an evidence and authorization to act on behalf of PIK.

2. The form, issuance and rule of use of the identification document are established by a sub-legal act from the Minister.

Article 9
Budget
1. PIK has its own budget, which is a separate line within the budget of the MoIA and is subject to audit. The Chief Executive Officer of PIK is responsible for the effective and proper management of the approved budget.

2. PIK within its budget frame shall maintain a special fund to support the purpose of information activity and criminal procedures. The use of this fund is not subject to the internal auditing rules. However, this fund will be subject to auditing from the office of the General Auditor of Kosovo.

Article 10
Minister
1. PIK functions under the authority of the Minister and under the control and supervision of the PIK Chief Executive. The authority of the Minister does not include the operational management of the PIK. The Chief Executive of PIK reports and is responsible directly to the Minister regarding the PIK administration and management. The PIK Chief Executive cooperates and offers the necessary information and reports to the Minister.

2. The Minister:
   2.1. establishes PIK’s annual strategic objectives in line with the state policies;
   2.2. ensures the coordination between PIK and Kosovo Police and other structures of the MoIA as well as cooperation with any other institution which provides information, state institutions and counterpart institutions from other countries based on agreements;
2.3. issues sub-legal acts for the organization and functioning of PIK in accordance with this Law and other applicable laws;
2.4. requests reports, information and other documents related to PIK duties.

3. PIK will not disclose to the Minister, public authorities or other person any information related to its investigations including but not limited to information related to witnesses, collaborators or informants. This type of information shall be only disclosed by the competent body according to the Criminal Procedure Code.

CHAPTER II
ORGANIZATION AND FUNCTIONS

Article 11
PIK organizational structure

The organizational structure is proposed by the Chief Executive and approved by the Minister.

Article 12
Chief Executive of Police Inspectorate of Kosovo

1. The Chief Executive is the non-political executive authority of PIK and is the highest administrative, technical and operational authority of PIK.

2. PIK Chief Executive is responsible for:
   2.1. the overall administering/managing and ensuring the implementation of functions entrusted to PIK;
   2.2. organizing and employing of personnel, adopting administrative instructions and issuing decisions related to the functions of the PIK;
   2.3. the effective and efficient management of the resources entrusted to PIK.

Article 13
Criterion for appointment and selection of the Chief Executive

1. The criteria for appointing the Chief Executive Officer (CEO) of PIK are:
   1.1. to be a citizen of the Republic of Kosovo;
   1.2. to have graduated from an approved university, in areas related to policing, law, security or public administration;
   1.3. have at least (3) three years of experience in a high management position in fields related to police, criminal justice, law, security or public administration;
   1.4. has not been convicted of a criminal offense by final decision;
   1.5. has not been punished for serious discipline violations equivalent to violations established by the discipline regulation of PIK, in the last ten (10) years, during which has worked in state institutions;
   1.6. does not have a conflict of interest with the position or as determined within the Law on Preventing Conflict of Interest in Exercising Public Function.

2. Minister shall establish a special commission for selection of Chief Executive.

3. Upon selection the Commission, from paragraph 2 of this Article, shall propose three (3) candidates for the PIK Chief Executive to the Minister. The Minister will appoint the Chief Executive based on the candidacies proposed by the Commission.

4. The composition of the Commission and the selection procedure is regulated by a sub legal act issued by the Minister.

Article 14

The mandate of the Chief Executive of PIK

1. The Chief Executive of PIK is appointed for a term of five (5) years with the possibility of renewal every five (5) years.

2. If the Chief Executive of PIK term of office renewal comes within a general election calendar year, the term in office will automatically be extended for two (2) years.

Article 15

Termination of mandate and dismissal from the duty of the PIK Chief Executive
1. The mandate of chief executive shall end for one of the following reasons:
   1.1. due to the termination of a mandate;
   1.2. reaches the retirement age;
   1.3. resigns;
   1.4. is convicted of a criminal offence by a final court decision;
   1.5. due to death or an inability to perform the functions for a period of time longer than six (6) months;
   1.6. due to dismissal from the position.

2. The Minister, imposes to the Chief Executive of PIK the disciplinary measures of written warning or dismissal from the position, for one of the following reasons:
   2.1. commission of a serious disciplinary offence, as set forth in the disciplinary regulation;
   2.2. upon a negative documented work assessment, for a violation of rules of integrity or a failure to comply with sub-legal acts on discipline and personnel;
   2.3. has shown a significant documented lack of commitment in meeting strategic objectives and in performing tasks designated to him/her by the Minister, according to Article 10 of this Law.

3. When there is a reasonable suspicion to believe that Chief Executive of PIK has committed a criminal act or for any reason set forth in paragraph 2 of this Article, Minister may immediately suspend the Chief Executive Officer of PIK.

4. In cases of termination of the mandate, dismissal or suspension of the Chief Executive of PIK, Minister shall immediately assign one of the Department Heads of PIK as acting Chief Executive until selection of the Chief Executive of PIK.

**Article 16**

**PIK personnel**

1. PIK personnel are divided into four (4) categories:
   1.1 investigators;
   1.2 inspectors;
   1.3 support personnel;
1.4 part-time contracted personnel.

2. Procedures and conditions for work and employment of the PIK personnel are regulated by a sub-legal act by the Minister, which will include but not limited to the promotion, training and conflict of interest.

3. PIK employee shall not have the right to strike or any other action which impedes or interferes in performing the PIK activity.

4. The PIK employee shall not express attitudes or undertake activities that violate the depoliticized character of PIK.

CHAPTER III
PIK POWERS

SUBCHAPTER A

INVESTIGATING POWERS

Article 17
Criminal Investigation

1. PIK investigators, while performing their duties, have police powers and shall exercise them in accordance with the Constitution, Criminal Code, Criminal Procedure Code, this law, other laws and sublegal acts in power.

2. The investigative scope of PIK is prevention, detection, documentation and investigation of the criminal offences committed by Kosovo Police employees, regardless of rank and position, during the exercise of their official duty or off duty, including investigations of high profile disciplinary incidents and disciplinary investigations of police officers having the highest rank within the senior police management level and senior appointed police positions.
3. PIK Investigators are entitled to carry and use weapons as well as force in accordance with the Law on Police, relevant applicable laws and sub-legal acts issued for their implementation.

4. The type of weapons and other means of use of force by the PIK will be determined in compliance with respective law.

5. While enforcing their legal authority, PIK may seek assistance from the Police and other Law Enforcement Agencies.

6. Upon receiving information that a police employee is involved in a criminal offence which is prosecuted ex officio, the Police will immediately undertake all measures to secure evidence and will take all initial actions including but not limited to, responding to the scene, securing the scene, arresting the suspect if legal conditions are met, ensuring that the medical units are present and identifying or detaining the witnesses. Police shall inform the Prosecutor regarding the case without delay and within the period of time determined by the Criminal Procedure Code and will immediately inform PIK.

7. PIK Investigator, at the scene, shall direct the police officer responsible for the scene or the other responsible officer of law enforcement agency, to undertake the assigned actions regarding the scene management or investigation procedures related to the case. The police officer responsible for the scene or the other responsible officer of law enforcement agency is obliged to act in accordance with the lawful orders of the investigator regarding the specific case.

8. For investigation purpose, PIK is authorized to use all services of specialized police units, equipment and buildings of Kosovo Police including but not limited to, forensics, laboratory, and interception devices.

9. If during an investigation the Police discover that one or more Police employees are involved, they can investigate the case to its conclusion and shall notify PIK within (5) five working days. At the request of the police, PIK may join the ongoing investigation.
10. If during an investigation the PIK discover that one or more persons who are not Police employees are involved, they shall investigate the case to its conclusion. At the request of the PIK, Police may join the ongoing investigation. The Chief Executive may decide to refer the case to the Police for further investigations.

11. In compliance with applicable law, police and other law enforcement institutions may conduct investigations and arrests of police employees. If it is determined that the police employee or officer committed a criminal act, the police and other law enforcement institutions are obliged to inform PIK at the earliest opportunity without damaging the investigations.

12. When PIK considers it is in the interest of the investigation it shall recommend to the Police General Director a form of action that may include, but is not limited to, types of suspension with pay or transfer. The recommendation must be accompanied with a statement, which includes the reasons for the recommendation.

Article 18
Investigation management

1. If during a disciplinary violation investigation there is a reasonable suspicion to believe that a Kosovo Police employee has committed an act which amounts to a criminal offence, all case materials shall be sent to PIK within five (5) working days. PIK will proceed with their criminal investigation according to applicable laws.

2. Except cases arising from Article 2, paragraph 1 sub-paragraph 1.3 and 1.4 of this Law, if during a PIK criminal investigation, there is insufficient evidence obtained to determine that a criminal offence has been committed, all case materials will be sent back to the Kosovo Police within five (5) working days from this decision. In this case, Kosovo Police can continue with disciplinary investigation.

3. PIK shall register and archive case files from paragraph 2 of this Article separately from the criminal files.
4. If after the pre-charge criminal investigation, PIK determines that there is reasonable suspicion to believe that a police employee who was the subject of an investigation have committed a criminal offence, PIK shall prepare a criminal indictment and send it to the Prosecutor together with all the evidence.

5. If the criminal investigations in a certain case are ceased or the criminal indictment has been dismissed by the prosecutor, and PIK discovers that there is new evidence, the Prosecutor shall be informed and PIK shall act according to the instructions of the Prosecutor.

6. If the criminal investigation has ceased, the criminal indictment has been dismissed by the prosecutor or the Court has released the police employee from the charge, PIK shall send the case with all relevant documentation to the Kosovo Police for further disciplinary investigations, except cases from Article 2, paragraph 1 sub-paragraph 1.3 and 1.4 of this Law. PIK has the right to withhold the confidential informant information from the Police.

7. PIK will send each Court decision to the Police.

**Article 19**

**Collection of Data**

1. In order to fulfill their duty, PIK investigators are authorized and responsible for using any lawful source of information for the collection, collation and protection of the data related to the investigation of criminal offences committed by Kosovo Police employees, regardless of their position or rank.

2. The Police senior staff and MoIA shall cooperate with PIK in order to implement this Law.

3. If the police employees, MoIA and other state institutions are aware of police employees’ involvement in criminal offences, they shall immediately inform the PIK. If any state institution has an ongoing investigation they may proceed to its conclusion or may notify PIK. At the conclusion of any investigation the state institutions must notify the PIK.
4. For the data obtained related to the involvement of police employees, subject of a PIK investigation, into criminal offences, the institutions providing information shall inform PIK based on a joint instruction of the Minister and heads of above mentioned institutions.

5. In compliance with the applicable law and based on a probable cause to believe that a police employee is involved in a criminal act, the PIK may seek from police employees detailed statements on external activities such as, secondary employment, investments, assets and gifts or privileges.

6. For data collection, PIK may use and compensate confidential informants for providing information.

7. PIK has the right to control, seize analyze and maintain documents, evidence and information, in written or electronic, from all offices, secretariats, archives or any other source of information, in compliance with the law in force.

8. Public Administration bodies, private and legal persons and entities are obliged to present identification data and available information upon a lawful request by PIK.

9. In compliance to the law in force, a person providing cooperation with PIK must preserve the secrecy of such cooperation and classified information until the legal obligation for preserving such secret is ceased.

10. Collection, retention, processing, analysis, use, transfers and removal of data shall be in accordance with this Law and the Law on Personal Data Protection.

**Article 20**

**Special measures for data collection**

1. When based on the available data, there are suspicions that a Police employee, who is the subject of a PIK investigation according to this Law, has committed a criminal offence or is planning or organizing to commit a crime and this activity cannot be
detected or prevented in other ways, PIK investigators may use covert and technical measures of surveillance, investigation and the foreseen procedure as set out in the Criminal Procedure Code.

2. In order to exercise its activity and function and based on “reasonable suspicion” and as authorized by the prosecutor, PIK is entitled to conduct the integrity investigation of police employees.

3. Integrity investigation aims to develop the proactive capacity in maintaining the ethics and integrity in the framework of high professional standards within the Police contributing to the efforts of corruption control, raising the quality of service, and enhancing public confidence towards Kosovo Police. Rules and procedures for conducting this investigation shall be established by a sub-legal act approved by the Minister.

4. PIK may use the tools, equipment and personnel of other law enforcement institutions to enhance its capacity to use special measures to collect information.

**Article 21**

**Intelligence Management**

1. PIK intelligence management in this Law means the process of collection, collation, assessment, analysis, dissemination and use of information for discovering criminal offences committed by Police employees.

2. Intelligence management is conducted in compliance with the applicable law and sub-legal acts issued for its implementation.

**Article 22**

**Disciplinary Investigation**

1. Upon completion of a disciplinary investigation from Article 2 paragraph 1 sub-paragraph 1.3 and 1.4 of this Law, if the PIK determines there has been a violation of the Law on Police or sub-legal acts issued for its implementation, PIK shall submit to the General Director a recommended discipline for the Police employee.
2. The Director General of Police shall issue a written detailed decision with justification for the action taken on the recommendation from paragraph 1 of this Article.

3. Upon receiving the decision, the Police employee may appeal the decision of the General Director of Police to the Minister within eight (8) working days. Upon receiving the complaint, the Minister shall respond within thirty (30) days.

4. The Decision of the Minister is the final administrative procedure. The Police employee may appeal the Minister’s decision in a competent court.

SUBCHAPTER B
INSPECTION POWERS

Article 23
Inspection

PIK conducts inspections on Kosovo Police.

Article 24
Authorization for conducting inspections

1. The PIK may initiate an inspection of the Police on their own initiative or upon order of the Minister.

2. The PIK Chief Executive officer shall authorize in writing the conducting of inspections as mentioned in the paragraph 1 of this article. The Authorization shall include the reason and the objective of inspection.

3. Absent exigent circumstances, the order of the Minister shall be in writing. In the event of exigent circumstances a verbal authorization may be issued in which case,
the Minister shall issue the written authorization at the earliest opportunity but not later than two (2) working days from the date the verbal authorization.

Article 25

Inspection Planning

1. At the first quarter of each calendar year, the Director of Inspections Department, submits the annual plan for ordinary inspections to the PIK Chief Executive for approval.

2. The annual ordinary inspection plan need not specify the exact number of areas to be inspected during the calendar year. This plan may be flexible, however further amendments shall be pre-approved by PIK Chief Executive Officer.

3. PIK drafts the Administrative Instructions regarding the procedure of the inspections which are approved by the Minister.

4. Inspections include but are not limited to the following areas:
   4.1. police buildings, infrastructure and all related assets;
   4.2. budget, finance, logistics and procurement management;
   4.3. vehicle fleet and police equipment management;
   4.4. human resources management;
   4.5. management of firearms, ammunition and other equipments;
   4.6. escort, detention and arrest procedures;
   4.7. traffic patrol and road safety management;
   4.8. crime detection, investigation, and case management;
   4.9. management of complaints and disciplinary investigations;
   4.10. border control, protection and migration management;
   4.11. management of local policing planning, community safety and initiatives of community policing;
   4.12. management of personal data processing in compliance with the applicable law.

Article 26

Data collection during inspections
1. Inspections shall not interfere with the police operations in progress.

2. For data collection within the scope of inspections, PIK conduct for inspection includes but is not limited to the following actions:
   2.1. checking the condition of buildings, vehicles and equipments;
   2.2. checking the records and files, including either hard copy of the documents, electronic, or audio or video records;
   2.3. interviewing employees and members of the public;
   2.4. interviewing escorted and arrested persons;
   2.5. using questionnaires completed by the employees or citizens.

3. PIK inspectors during an inspection can obtain documents or their copies, in written or electronic and video/audio records if it is considered necessary for preparing inspection reports.

4. Inspectors shall act in accordance with all laws and sub-legal acts, for retaining secrets and data.

5. The head of the inspected structure shall provide access to all facilities, structures and all related documents and equipment where the inspection is to be conducted and instructs the personnel to fully cooperate with the inspectors of PIK.

6. If during an inspection, the supervisor of the certain police structure hinders the inspection process without a lawful cause, PIK inspectors shall report this to PIK Chief Executive Officer, who shall decide whether the case will be sent to the Minister or General Director of Police for further action.

7. If during an inspection, inspectors note any evidence of possible criminal offence involving Kosovo Police employees, they may take the following actions:
   7.1. secure the evidence and protect the area where the evidence was found;
   7.2. inform their supervisor who will direct further measures

Article 27
Preparation and publication of the inspection reports

1. Upon completion of an inspection, an objective report of the inspected area shall be prepared.

2. The inspection reports shall highlight clearly objective criteria on conditions and contain recommendations to address any circumstances that negatively impact police effectiveness and performance.

3. Chief Executive shall ensure that PIK reports do not consist of any material which might endanger the security of any person or compromise national security or in unnecessary manner endanger criminal investigations.

4. PIK Chief Executive shall ensure that the reports are in line with the highest ethical standards and integrity and achieve the objective of police effectiveness and performance.

5. Final reports shall be reviewed and signed by Chief Executive Officer of the PIK, or in his absence by an authorized person, and delivered to the Minister of Internal Affairs and the Kosovo Police General Director no later than two (2) months from the initial submission of the report.

6. After review by the Minister and the Kosovo Police General Director, the inspection reports shall be published on the PIK website. Dissemination of these reports is subject to paragraph 3 of this Article.

7. The Minister and the General Director of Police will meet at least twice a year to review the recommendations in the inspection reports and to develop a strategy to implement measures to improve police effectiveness and performance.

CHAPTER IV
THE RIGHTS OF PERSONNEL

Article 28
The right to salary and reward
1. Basic salary, salary supplements, allowances and benefits including pension scheme and insurance of the PIK employees, shall be determined in an sub legal act issued by Minister, which shall include, but is not limited to, hazard pay, pay for overtime and holiday work, meal and clothing allowances.

2. PIK employees who have received a satisfactory evaluation and who have not been the subject of any disciplinary action shall receive a reward of one month’s salary at the end of the financial year.

3. In the event of a death on duty or if a PIK employee is killed as a result of the performance of PIK duties, the Ministry shall pay the family of the deceased employer or the legal heir(s) the PIK employee’s monthly compensation for a period of one (1) year from the time of the employee’s death.

**Article 29**

**Leaves**

The leave from the working relationship of PIK personnel are the same with the leave of civil servants. Regarding the use of leave shall apply the relevant provisions of the Law on Civil Service.

**CHAPTER V**

**DISCIPLINE**

**Article 30**

**PIK disciplinary measures**

1. Violations, disciplinary measures, suspension with pay and disciplinary procedures for the PIK employees are regulated by a sub legal act from the Minister.

2. When the investigation reveals that the conduct of the PIK employee constitutes a criminal offence, the case will be referred for prosecution to the prosecutors’ office.
CHAPTER VI
FINAL PROVISIONS

Article 31
Drafting of sub legal acts

1. For implementation of this Law the Minister, shall adopt the sub legal acts to establish:

   1.1. the identification emblem of PIK;
   1.2. the form, the issuance and the rules for the use of the identification document;
   1.3. the condition and the criterion for the use and control of the special fund;
   1.4. the organizational structure of the PIK;
   1.5. the composition of the Commission appointing the PIK Chief Executive and the procedure form the selection of the PIK Chief Executive;
   1.6. the procedures pertaining to the employment and working procedure and conditions for PIK employees;
   1.7. the types of weapon and other means of use of force by the PIK in compliance with respective law;
   1.8. the rules and procedures for conducting the integrity investigation;
   1.9. inspections of the Kosovo Police;
   1.10. determination of basic salary, salary increases, supplements, and other benefits for the PIK employees;
   1.11. violation and disciplinary measures, suspension with pay and the disciplinary procedure;
   1.12. the procedure for initiating a criminal investigation;

2. For implementation of this Law, the Chief Executive of PIK, shall adopt the following sub-legal acts:

   2.1. budget administration of PIK;
   2.2. the procedure for exchanging information between PIK and other state institutions;
   2.3. the procedure on evidence management;
   2.4. the procedure on the implementation of covert measures and false identity.
Article 32
Abrogation

1. Once this law enters into force, the Law on Kosovo Police Inspectorate No.03/L-036, sub-legal acts that derive from it and all provisions of the Law on Police related to PIK are abrogated and also all other legal provisions that are in contradiction to this law.

2. Upon entry into force of this law, all submitted disciplinary violations will be investigated by Kosovo Police, except disciplinary violations from Article 2 paragraph 1 sub-paragraph 1.3 and 1.4 of this Law.

3. All serious disciplinary violations are subject to the legislation that was in effect at the time of the conduct.

4. All disciplinary cases in the PIK that are pending a court decision at the time this Law comes into force will be transferred to the Police for further disciplinary proceedings.

5. All ongoing criminal investigations by the Police which are pending when this Law becomes effective shall remain with the Police until completed.

6. Criminal investigations by PIK towards Police employees shall begin to be implemented six (6) months after entrance into force of this law.

7. The Minister during the six (6) months period shall issue sub-legal acts for implementation of this law and till their issuance legal provisions in force shall be applied.

8. During the six (6) months period the capacities within the PIK personnel shall be developed and necessary personnel shall be recruited.

Article 33
Entry into force
This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-231
14 October 2010

Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.
### Appendix E: Questionnaire Results

**Table 6.2: Overall results of the questionnaire study (all ranks/categories)**

<table>
<thead>
<tr>
<th>Q.</th>
<th>Statement</th>
<th>Frequency</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1</td>
<td>How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</td>
<td>n = 553</td>
<td>34</td>
<td>115</td>
<td>176</td>
<td>56</td>
<td>111</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>6.1</td>
<td>20.7</td>
<td>31.7</td>
<td>10.1</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>Q.2</td>
<td>How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td>n = 553</td>
<td>27</td>
<td>140</td>
<td>182</td>
<td>64</td>
<td>95</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>4.9</td>
<td>25.2</td>
<td>32.7</td>
<td>11.5</td>
<td>17.1</td>
<td>7.7</td>
</tr>
<tr>
<td>Q.3</td>
<td>How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td>n = 527</td>
<td>37</td>
<td>178</td>
<td>202</td>
<td>50</td>
<td>42</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>6.7</td>
<td>32</td>
<td>38.3</td>
<td>9.4</td>
<td>7.9</td>
<td>3.4</td>
</tr>
<tr>
<td>Q.4</td>
<td>How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td>n = 526</td>
<td>28</td>
<td>154</td>
<td>208</td>
<td>47</td>
<td>61</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>5.3</td>
<td>29.2</td>
<td>39.5</td>
<td>8.9</td>
<td>11.5</td>
<td>5.3</td>
</tr>
<tr>
<td>Q.5</td>
<td>How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td>n = 529</td>
<td>42</td>
<td>105</td>
<td>86</td>
<td>57</td>
<td>161</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>7.9</td>
<td>19.8</td>
<td>16.2</td>
<td>10.7</td>
<td>30.4</td>
<td>14.7</td>
</tr>
<tr>
<td>Q.6</td>
<td>How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td>n = 526</td>
<td>31</td>
<td>114</td>
<td>182</td>
<td>70</td>
<td>107</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>3.8</td>
<td>21.6</td>
<td>34.6</td>
<td>13.3</td>
<td>20.3</td>
<td>4.1</td>
</tr>
</tbody>
</table>
Appendix E: Questionnaire Results

Table 6.3: KP officers who indicated that they had been investigated by PIK

<table>
<thead>
<tr>
<th>Question</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- &quot;Kosovo Police officers are more likely to respect the rights of</td>
<td>7</td>
<td>19</td>
<td>27</td>
<td>8</td>
<td>23</td>
<td>22</td>
</tr>
<tr>
<td>citizens because of the presence of the Police Inspectorate.&quot;</td>
<td>% 6.6</td>
<td>17.9</td>
<td>25.4</td>
<td>7.5</td>
<td>21.6</td>
<td>20.7</td>
</tr>
<tr>
<td>Q.2 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Police Inspectorate helps KP officers perform to high standards of</td>
<td>4</td>
<td>25</td>
<td>31</td>
<td>14</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>integrity and honesty.&quot;</td>
<td>% 3.8</td>
<td>23.8</td>
<td>29.5</td>
<td>4.1</td>
<td>2.9</td>
<td></td>
</tr>
<tr>
<td>Q.3 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Police misconduct in Kosovo has decreased in recent years.&quot;</td>
<td>5</td>
<td>40</td>
<td>34</td>
<td>4</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Q.4 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- PIK officers conduct thorough and professional investigations.&quot;</td>
<td>7</td>
<td>34</td>
<td>34</td>
<td>5</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Q.5 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Complaints against KP staff should be dealt with by an external/</td>
<td>9</td>
<td>23</td>
<td>12</td>
<td>10</td>
<td>28</td>
<td>17</td>
</tr>
<tr>
<td>independent agency.&quot;</td>
<td>% 9</td>
<td>23.2</td>
<td>12.1</td>
<td>10.1</td>
<td>28.2</td>
<td>17.1</td>
</tr>
<tr>
<td>Q.6 How much do you agree or disagree with the following statement?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Professional Standards Directorate staff are more effective</td>
<td>6</td>
<td>22</td>
<td>33</td>
<td>12</td>
<td>19</td>
<td>5</td>
</tr>
<tr>
<td>investigators of complaints against Kosovo Police staff than PIK</td>
<td>% 6.1</td>
<td>22.6</td>
<td>34</td>
<td>12.3</td>
<td>19.5</td>
<td>5.1</td>
</tr>
<tr>
<td>Inspectorate officers.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix E: Questionnaire Results

<p>| Table 6.4: KP officers who indicated that they had NOT been investigated by PIK |
|--------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Q.1 How much do you agree or disagree with the following statement? “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.” |</p>
<table>
<thead>
<tr>
<th>n = 440 Frequency</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>27</td>
<td>95</td>
<td>148</td>
<td>48</td>
<td>85</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>6.1</td>
<td>21.5</td>
<td>33.6</td>
<td>10.9</td>
<td>19.3</td>
<td>8.4</td>
</tr>
<tr>
<td>Q.2 How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 438 Frequency</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Slightly agree</td>
<td>Slightly disagree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
<tr>
<td>-------------------</td>
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<td>------------------</td>
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<td>-------------------</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>114</td>
<td>150</td>
<td>49</td>
<td>74</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>5.2</td>
<td>25.9</td>
<td>34.2</td>
<td>11.1</td>
<td>16.8</td>
<td>6.3</td>
</tr>
<tr>
<td>Q.3 How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 421 Frequency</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Slightly agree</td>
<td>Slightly disagree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------</td>
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<td>------------------</td>
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</tr>
<tr>
<td></td>
<td>32</td>
<td>137</td>
<td>163</td>
<td>46</td>
<td>31</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>7.6</td>
<td>32.5</td>
<td>38.7</td>
<td>10.9</td>
<td>7.3</td>
<td>2.8</td>
</tr>
<tr>
<td>Q.4 How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 421 Frequency</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Slightly agree</td>
<td>Slightly disagree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------</td>
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<td>----------------</td>
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<tr>
<td></td>
<td>21</td>
<td>120</td>
<td>173</td>
<td>42</td>
<td>45</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>4.9</td>
<td>28.5</td>
<td>41</td>
<td>9.9</td>
<td>10.6</td>
<td>4.7</td>
</tr>
<tr>
<td>Q.5 How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 423 Frequency</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Slightly agree</td>
<td>Slightly disagree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
<tr>
<td>-------------------</td>
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<td></td>
<td>33</td>
<td>82</td>
<td>72</td>
<td>47</td>
<td>131</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>7.8</td>
<td>19.3</td>
<td>17</td>
<td>11.1</td>
<td>30.9</td>
<td>13.7</td>
</tr>
<tr>
<td>Q.6 How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n = 422 Frequency</td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Slightly agree</td>
<td>Slightly disagree</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
<tr>
<td>-------------------</td>
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<td></td>
<td>25</td>
<td>91</td>
<td>145</td>
<td>57</td>
<td>87</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>5.9</td>
<td>21.5</td>
<td>34.3</td>
<td>13.5</td>
<td>20.6</td>
<td>4</td>
</tr>
</tbody>
</table>
### Appendix E: Questionnaire Results

#### Table 6.5: KP officers who indicated that they had been investigated by PSD

<table>
<thead>
<tr>
<th>Q.1</th>
<th>How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 175</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>30</td>
</tr>
<tr>
<td>6.2</td>
<td>17.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.2</th>
<th>How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 175</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>47</td>
</tr>
<tr>
<td>4</td>
<td>26.8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.3</th>
<th>How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 163</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>69</td>
</tr>
<tr>
<td>6.7</td>
<td>42.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.4</th>
<th>How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 163</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>44</td>
</tr>
<tr>
<td>4.9</td>
<td>26.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.5</th>
<th>How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 164</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>40</td>
</tr>
<tr>
<td>9.1</td>
<td>24.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.6</th>
<th>How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>n = 162</td>
<td>Frequency</td>
</tr>
<tr>
<td>%</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>7.4</td>
<td>18.5</td>
</tr>
</tbody>
</table>
### Table 6.6: KP officers who indicated that they had NOT been investigated by PSD

<table>
<thead>
<tr>
<th>Q</th>
<th>How much do you agree or disagree with the following statement?</th>
<th>Frequency</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1</td>
<td>How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</td>
<td>n = 365</td>
<td>Frequency 23</td>
<td>82</td>
<td>124</td>
<td>40</td>
<td>71</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>6.3</td>
<td>22.4</td>
<td>33.9</td>
<td>10.9</td>
<td>19.4</td>
<td>6.8</td>
</tr>
<tr>
<td>Q.2</td>
<td>How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td>n = 363</td>
<td>Frequency 20</td>
<td>89</td>
<td>134</td>
<td>42</td>
<td>59</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>5.5</td>
<td>24.5</td>
<td>36.9</td>
<td>11.5</td>
<td>16.2</td>
<td>5.2</td>
</tr>
<tr>
<td>Q.3</td>
<td>How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td>n = 352</td>
<td>Frequency 26</td>
<td>107</td>
<td>144</td>
<td>36</td>
<td>27</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>7.3</td>
<td>30.3</td>
<td>40.9</td>
<td>10.2</td>
<td>7.6</td>
<td>3.4</td>
</tr>
<tr>
<td>Q.4</td>
<td>How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td>n = 351</td>
<td>Frequency 20</td>
<td>106</td>
<td>141</td>
<td>33</td>
<td>38</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>5.6</td>
<td>30.1</td>
<td>40.1</td>
<td>9.4</td>
<td>10.8</td>
<td>3.7</td>
</tr>
<tr>
<td>Q.5</td>
<td>How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td>n = 353</td>
<td>Frequency 27</td>
<td>64</td>
<td>64</td>
<td>36</td>
<td>109</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>7.6</td>
<td>18.1</td>
<td>18.1</td>
<td>10.1</td>
<td>53.8</td>
<td>15</td>
</tr>
<tr>
<td>Q.6</td>
<td>How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td>n = 352</td>
<td>Frequency 19</td>
<td>82</td>
<td>119</td>
<td>47</td>
<td>70</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>5.3</td>
<td>23.2</td>
<td>33.8</td>
<td>13.3</td>
<td>19.8</td>
<td>4.2</td>
</tr>
</tbody>
</table>
### Appendix E: Questionnaire Results

**Table 6.7: Officers who indicated that they had made a complaint against another officer**

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>Frequency</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1</td>
<td>How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</td>
<td>n = 82</td>
<td>9</td>
<td>13</td>
<td>23</td>
<td>8</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>10.9</td>
<td>15.9</td>
<td>28</td>
<td>9.8</td>
<td>22</td>
<td>13.4</td>
</tr>
<tr>
<td>Q.2</td>
<td>How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td>n = 82</td>
<td>8</td>
<td>20</td>
<td>22</td>
<td>7</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>9.7</td>
<td>24.3</td>
<td>26.8</td>
<td>8.5</td>
<td>18.2</td>
<td>12.1</td>
</tr>
<tr>
<td>Q.3</td>
<td>How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td>n = 78</td>
<td>5</td>
<td>27</td>
<td>29</td>
<td>4</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>6.4</td>
<td>34.6</td>
<td>37.1</td>
<td>5.1</td>
<td>8.9</td>
<td>7.6</td>
</tr>
<tr>
<td>Q.4</td>
<td>How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td>n = 79</td>
<td>4</td>
<td>17</td>
<td>30</td>
<td>7</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>5</td>
<td>21.5</td>
<td>37.9</td>
<td>8.8</td>
<td>15.1</td>
<td>11.3</td>
</tr>
<tr>
<td>Q.5</td>
<td>How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td>n = 80</td>
<td>8</td>
<td>17</td>
<td>15</td>
<td>8</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>10</td>
<td>21.2</td>
<td>18.7</td>
<td>10</td>
<td>22.5</td>
<td>17.5</td>
</tr>
<tr>
<td>Q.6</td>
<td>How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td>n = 80</td>
<td>7</td>
<td>18</td>
<td>18</td>
<td>10</td>
<td>22</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td>8.7</td>
<td>22.5</td>
<td>22.5</td>
<td>12.5</td>
<td>27.5</td>
<td>6.2</td>
</tr>
</tbody>
</table>
## Appendix E: Questionnaire Results

### Table 6.8: Officers who indicated that they had NOT made a complaint against another officer

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1 How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</td>
<td>Frequency: 25</td>
<td>98</td>
<td>149</td>
<td>48</td>
<td>89</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>5.4</td>
<td>21.4</td>
<td>32.6</td>
<td>10.5</td>
<td>19.5</td>
</tr>
<tr>
<td>Q.2 How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td>Frequency: 19</td>
<td>114</td>
<td>158</td>
<td>57</td>
<td>76</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>4.1</td>
<td>25.1</td>
<td>34.8</td>
<td>12.5</td>
<td>13.9</td>
</tr>
<tr>
<td>Q.3 How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td>Frequency: 32</td>
<td>149</td>
<td>166</td>
<td>43</td>
<td>33</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>7.3</td>
<td>34.3</td>
<td>38.2</td>
<td>9.9</td>
<td>7.6</td>
</tr>
<tr>
<td>Q.4 How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td>Frequency: 23</td>
<td>134</td>
<td>174</td>
<td>39</td>
<td>45</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>5.3</td>
<td>31</td>
<td>40.2</td>
<td>9</td>
<td>10.4</td>
</tr>
<tr>
<td>Q.5 How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td>Frequency: 32</td>
<td>87</td>
<td>68</td>
<td>48</td>
<td>139</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>7.3</td>
<td>20</td>
<td>15.6</td>
<td>11</td>
<td>32</td>
</tr>
<tr>
<td>Q.6 How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td>Frequency: 22</td>
<td>94</td>
<td>158</td>
<td>57</td>
<td>83</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>5.1</td>
<td>21.8</td>
<td>36.6</td>
<td>13.2</td>
<td>19.2</td>
</tr>
</tbody>
</table>
Appendix E: Questionnaire Results

| Table 6.9: Officers who indicated that they had given evidence against another officer |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                | Strongly agree | Agree           | Slightly agree  | Slightly disagree | Disagree        | Strongly disagree |
| Q.1 How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.” | n = 158 | Frequency | 14 | 29 | 43 | 18 | 34 | 20 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 3.1             | 6.3             | 9.4             | 3.9             | 7.4             | 4.4 |
| Q.2 How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.” | n = 158 | Frequency | 12 | 34 | 49 | 23 | 28 | 12 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 2.6             | 7.4             | 10.7            | 5               | 6.1             | 2.6 |
| Q.3 How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.” | n = 150 | Frequency | 15 | 51 | 53 | 8 | 14 | 9 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 3.3             | 11.1            | 11.5            | 1.7             | 3.1             | 2 |
| Q.4 How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.” | n = 150 | Frequency | 10 | 33 | 68 | 11 | 15 | 13 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 2.2             | 7.2             | 14.8            | 2.4             | 3.3             | 2.8 |
| Q.5 How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.” | n = 151 | Frequency | 18 | 33 | 23 | 18 | 36 | 23 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 11.9            | 21.8            | 15.2            | 11.9            | 23.8            | 15.2 |
| Q.6 How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.” | n = 150 | Frequency | 12 | 33 | 39 | 19 | 38 | 9 |
|                                | %              |                 |                 |                 |                 |                 |
|                                |                | 8               | 22              | 26              | 12.6            | 25.3            | 6 |
### Appendix E: Questionnaire Results

#### Table 6.10: Officers who indicated that they had NOT given evidence against another officer

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.1 How much do you agree or disagree with the following statement? - “Kosovo Police officers are more likely to respect the rights of citizens because of the presence of the Police Inspectorate.”</td>
<td>20</td>
<td>82</td>
<td>127</td>
<td>37</td>
<td>73</td>
<td>37</td>
</tr>
<tr>
<td>n = 376</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>5.3</td>
<td>21.8</td>
<td>33.7</td>
<td>9.8</td>
<td>19.4</td>
<td>9.8</td>
</tr>
<tr>
<td>Q.2 How much do you agree or disagree with the following statement? “Police Inspectorate helps KP officers perform to high standards of integrity and honesty.”</td>
<td>15</td>
<td>100</td>
<td>130</td>
<td>39</td>
<td>63</td>
<td>27</td>
</tr>
<tr>
<td>n = 374</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>4</td>
<td>26.7</td>
<td>34.7</td>
<td>10.4</td>
<td>16.8</td>
<td>7.2</td>
</tr>
<tr>
<td>Q.3 How much do you agree or disagree with the following statement? “Police misconduct in Kosovo has decreased in recent years.”</td>
<td>22</td>
<td>124</td>
<td>140</td>
<td>39</td>
<td>26</td>
<td>8</td>
</tr>
<tr>
<td>n = 359</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>6.1</td>
<td>34.5</td>
<td>38.9</td>
<td>10.8</td>
<td>7.2</td>
<td>2.2</td>
</tr>
<tr>
<td>Q.4 How much do you agree or disagree with the following statement? “PIK officers conduct thorough and professional investigations.”</td>
<td>17</td>
<td>117</td>
<td>135</td>
<td>35</td>
<td>41</td>
<td>13</td>
</tr>
<tr>
<td>n = 358</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>4.7</td>
<td>32.6</td>
<td>37.7</td>
<td>9.7</td>
<td>11.4</td>
<td>3.6</td>
</tr>
<tr>
<td>Q.5 How much do you agree or disagree with the following statement? “Complaints against KP staff should be dealt with by an external/independent agency.”</td>
<td>22</td>
<td>71</td>
<td>60</td>
<td>37</td>
<td>119</td>
<td>51</td>
</tr>
<tr>
<td>n = 360</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>6.1</td>
<td>19.7</td>
<td>16.6</td>
<td>10.2</td>
<td>33</td>
<td>14.1</td>
</tr>
<tr>
<td>Q.6 How much do you agree or disagree with the following statement? “Professional Standards Directorate staff are more effective investigators of complaints against Kosovo Police staff than Police Inspectorate officers.”</td>
<td>17</td>
<td>78</td>
<td>135</td>
<td>48</td>
<td>67</td>
<td>13</td>
</tr>
<tr>
<td>n = 358</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>4.7</td>
<td>21.7</td>
<td>37.7</td>
<td>13.4</td>
<td>18.7</td>
<td>3.6</td>
</tr>
</tbody>
</table>
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Ker-Lindsay, J. (2008). A matter of justice - Europe should not obstruct Serbia's efforts to bring the question of Kosovo's independence to the international court. The


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Holding police accountability theory to account

Frank Harris

285


